Jurisprudence of Life

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Jurisprudence of Life

A dialogue with His Eminence, the Religious Authority,
Sayyed Muhammad Hussein Fadlullah (ra)

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بِسۡمِ ٱللَّهِ ٱلرَّحۡمَٰنِ ٱلرَّحِيمِ

In the Name of Allah, the
Compassionate, the Merciful

Introduction

In the Name of Allah, the Compassionate, the Merciful

Peace be upon the most honorable creation, Muhammad (p.) and his infallible pure family (a.s.).

To induce the people to learn about their religion, as well as about life and science, the Messenger (p.) adopted various methods to urge the Muslims to inquire and look for answers for questions that touch on the core of the Islamic law and doctrine. These methods include:

First: The direct approach

A - Taking the initiative: The Messenger himself would explain the concept or the ruling without having been asked, owing to the importance of the issue and the need for Muslims to learn about the concept or the ruling, as when he said: *"The best of you is the one who is best towards his family; as for me, I am the best amongst you towards my family"*, and: *"The [true] Muslim is the one whom other Muslims are safe from his hands and tongue."*

B - Asking questions: The Messenger himself would ask a question to urge the believers to know more about the issues they are thinking about. He would usually ask

questions like: *"Do you know what deeds Allah loves the most?" We might also find some other means such as inducing Muslims to ask questions, where the Prophet (p.) says: "Three are rewarded: the one who asks, the one who answers and the one who listens to them", and: "Science is found in closed boxes whose keys are questions".*

Second: The indirect approach

A - Answering questions the Muslims usually ask their Prophet regarding various issues of life. The Messenger (p.) would then answer the questions in public so that other Muslims would benefit from the answer.

The Quran has provided us with some of these questions: **"They ask you concerning the new moon"**. (02:189). **"They ask you concerning the sacred month about fighting in it"**. (02:217). **"They ask thee concerning women's menstruation"**. (02:222). **"They ask you as to what is allowed to them"**, (05:04), as well as other questions which the Quran has answered implicitly indicating the importance of the question in disclosing scientific facts.

B - Confirmation: If the Prophet decides on something, then it would become a law. The same principle applies if he keeps silent and does not suggest any alteration; it then becomes part of the Sunnah, which constitutes the sayings, deeds and confirmations of the infallible.

That is why we have this vast wealth of the Prophet's legacy, since all the actions, sayings and acts are part of our Shariah. But the problem that the Muslims faced is how to determine which of them are authentic, as several false or fabricated Hadiths were added.

Muslims, at the time, asked about every aspect of their life, although limited, and they got the right answer for it, whether in the age of the Prophet or later in the age of the Imams. Thus, we are left with a wealth of jurisprudence that covers all subjects, even those that later became embarrassing to ask about. Jurisprudence, as we understand from its comprehensiveness and universality, is not restricted to a topic or two - worshipping acts and dealings. This is because jurisprudence covers politics, as well as praying and fasting. It covers international affairs and economic systems, just as it covers marriage and divorce. It also covers the call for jihad, as well as purchasing and selling...

And since the Shariah of the Master of Messengers, Muhammad (p.), is the last religious law, it should be constant, comprehensive and easy. The Prophet (p.) did not leave this world before Allah has perfected His religion and completed His favor and chosen Islam as a religion for mankind. It is also constant because Muhammad (p.) has said: *"Halal Muhammad is Halal until the Day of Judgment, and Haram Muhammad is Haram until the Day of Judgment".*

Those who have studied the principles of jurisprudence know that the secondary considerations are rulings that could turn what is Halal into Haram in view of man's general interest. As for the law and the punishment code, it presumes one's ability; if man is not capable, then he is not obliged to follow the law.

Sheikh Murtada Al-Ansari has stated in his book "Makasib" that: "There is nothing that Allah did not make lawful to those who are driven by necessity to do it. This is what Allah has suggested in His Holy Book: **"He has only forbidden you what dies of itself, and blood, and flesh of swine, and that over which any other (name) than (that of) Allah has been invoked; but whoever is driven to necessity, not desiring, nor exceeding the limit, no sin shall be upon him; surely Allah is Forgiving, Merciful"**. (02:173).

Therefore, we can deduce one of the significant characteristics of the Islamic law; the consistency of its primary rulings which are not considered absolute, for there is no absolute that cannot be restricted and there is no restricted that cannot be absolute. The issue lies in harmonizing between the text and the reality by adapting the former to fulfill the needs of the latter, and not to get along with it, but rather to discipline its movement by the religious law. This has made the jurists free to choose between the primary and secondary considerations, as they addressed the new incidents. Had it not been so, some people would have not had a guide to what is Halal

and Haram, and they would have ruled according to their own will and not that of the law-Giver.

This is what is meant by the Hadith which says that there is no incident that Allah has not had a ruling for, which shows how flexible the Islamic Shariah is in a way that enables it to deal with all the aspects of life. Moreover, it can be easily applied and it does not overburden the believers. Its ultimate aim is to plant the spirit of piety in the believers' souls, for there is no law that is wanted for itself.

Moreover, all the rulings are derived from their evidence. There is no Fatwa made by any jurisprudent that is not founded on a certain basis. But this does not mean that the reason behind the ruling is always clear. Nevertheless, although an emulator might find it strange to do or not to do a certain act, he/she is supposed to obey, or else there would be no reason to go back to the jurists, and everyone would judge for himself.

This is where the idea of this book came from. We consider it a step on the long way. We have tried, and the reader is to judge if we were successful, to open up the Shariah on all the aspects of life, since it encompasses the entire life with all its complications.

Praise be to Allah, Whom we rely upon to guide us to what pleases Him; surely Allah has power over all things.

Ahmad Ahmad
Adel Al-Qadi
01/12/1996

The Translator's Introduction

In the Name of Allah, the Compassionate, the Merciful

There is no better means to demonstrate the modernity of the late Religious Authority, His Eminence, Sayyed Muhammad Fadlullah (ra) than to translate this book "Fiqh Al-Hayat" (Jurisprudence of Life) into all languages, especially English. This book, as its title indicates, is a religious guide to all the issues that the human being meets in life and that are either not dealt with in traditional jurisprudential books, or dealt with in a brief and marginal manner.

This book covers all possible issues from elections and joining Islamic or non Islamic parties, to living abroad, educating children, familial relations and commercial transactions. Moreover, it does not neglect to deal with "traditional" jurisprudential issues, such as the need to wear the veil and issues regarding impurity and the like.

Yet, this is not only a book of jurisprudence; it is also a guide to life with all its complications. That is why it did not adopt the traditional manner of issuing brief Fatwas; but rather, it discussed every issue at length, presenting justifications and even displaying the line of reasoning that produced a certain view or Fatwa.

For example, the Fatwa, which states that it is allowed to hear the voice of a female singer, provided that the content of the song is decent, moral or national and does not arouse any sexual desires, is proof on how modern and innovative the Sayyed was, and at the same time how much occupied he was with tackling the issues people encounter in their modern life.

The language itself is, to a certain extent, not that of a jurist, for the book is meant to be understood by the ordinary Muslims who will encounter in their daily life many of the situations the book deals with... In our turn, we have tried as much as possible to simplify the language and even do some editing so as to make the book readable by most, if not all people[1].?

Nevertheless, there are certain jurisprudential terms that Sayyed Fadlullah had to resort to, such as the notion of precaution and the primary and secondary considerations. The notion of precaution is later explained in the book, but we ought to explain what is meant by primary and secondary precautions. For example, water is by the primary considerations something one is allowed to consume, but when it comes to cause harm to him/her, then drinking water becomes Haram due to the secondary considerations and so on.

This is the translation of a book that carries the same

(1) The Quranic Ayahs in the book are in bold letters, while the traditions are Italic.

title in Arabic, but we added two chapters "Jurisprudence of Minorities" and "Jurisprudence of Fashion" to it (all according to Sayyed Fadlullah's opinions), since they complement the other chapters, being part of what the Muslims encounter in the contemporary world, especially those who live in the West or those who are dazzled by the modern fashion and tend to wear a "modern" Islamic outfit.

We hope that by translating this book, we have taken part in paying tribute to the late Religious Authority, His Eminence, Sayyed Muhammad Hussein Fadlullah (ra), who devoted his entire life for the sake of Islam and Muslims, on the one hand, and for addressing the need of the Muslims to know the stand of the Shariah from modern daily issues, on the other hand.

The Translation Department of the
Institution of Sayyed Fadlullah

A Preface by the late Religious Authority, His Eminence, Sayyed Muhammad Hussein Fadlullah (ra)

In the Name of Allah, the Compassionate, the Merciful

Praise be to Allah, and may His blessings be bestowed upon His Messenger, Muhammad (p.), and his progeny and chosen companions, and all the prophets and messengers.

The two distinguished authors Mr. Ahmad Ahmad and Mr. Adel Al-Qadi have expressed their wish to conduct an open dialogue on certain jurisprudential issues that people encounter, and that have been either discussed briefly or not discussed at all in the books of jurisprudence. I responded favorably to their demand, due to the intellectual and practical need for a jurisprudential knowledge in these issues, especially for the believers who emulate us and need to know our Fatwas regarding these issues.

I have tried to stay as far away as possible from the traditional way of answering, for I have introduced a certain measure of analysis, detailed certain jurisprudential secrets, and provided some evidence for certain rulings. This made the book a book of jurisprudence in

one part, and a book of Islamic thought and Fatwas in another. If there are certain issues that are not traditional, such as the issue of sex, our jurists have dealt with such issues more candidly, suggesting that sex is not something "dirty" in jurisprudential literature. Moreover, if these issues emerge as problematic in the Muslims' life, the jurist has to deal with them, especially that sexual knowledge has become the most important issue in people's life, whether male or female, young or old. This means that those who work in the field of Islamic thought, and jurisprudence in particular, have to discuss such issues in an objective and scientific Islamic manner that conforms to the Islamic morals and satisfies the need for knowledge.

Finally, the views that were presented in this book of dialogue represent our jurisprudential Fatwas that are permissible for our emulators to follow, since they are deemed satisfactory as far as meeting obligations before Allah is concerned.

I would like to thank the authors for their efforts in preparing this book. May Allah reward them and grant them success in serving Muslims and Islam. And Allah is the guide to what is good, and we depend on Him alone.

Muhammad Hussein Fadlullah
April 01, 1417 H

Emulation: A Culture

The duty of emulation: A historical recount

Q: How do you view the allegation that says that emulation is a new issue that was not addressed in the books of jurisprudence, and consequently, it is not binding?

A: This allegation is not accurate from the practical and realistic point of view, for emulation is an instinctive attitude practiced by all those who do not have knowledge about their responsibilities in life. Those people instinctively search for someone to emulate and to provide them with justifications and excuses for doing something or for abstaining from doing it.

And since there are many Muslims who do not possess comprehensive knowledge of the rulings of Islam, and since Islam represents the law the Muslims should abide by in all the aspects of their life, and for which they will stand before Allah to be punished if they did not follow, people used to ask the knowledgeable religious scholars among them about Islamic rulings. In doing so, they were following a well-established tradition that started with the Muslims posing questions to the Messenger (p.) since he knew all about the Message that he delivered to

the people. The vast number of Ayahs in the Holy Quran that start with: ‘‘They ask you’’ shows that the Muslims used to ask the Prophet (p.) instinctively about anything they did not understand or they wanted to know.

The Glorious Quran confirmed this attitude when it complained against those who claimed that they did not know.

"Ask the knowledgeable if you know not", (16:43) and (21:07). It also called for the necessity of keeping a group of people back at home at the time of war so that they would teach and guide the others: **"And it does not beseem the believers that they should go forth all together; why should not then a company from every party from among them go forth that they may apply themselves to obtain understanding in religion, and that they may warn their people when they come back to them that they may be cautious?"** (09:122).

After the death of the Prophet (p.), the Muslims used to relate their questions to the companions, and later on to the Imams who used to sit down and answer any question, whether ideological or jurisprudential. In this respect, most of the traditions we rely upon in our rulings were based on answering questions, rather than the method of giving lectures and delivering sermons.

Then the Shiites continued to follow this course, especially that Imam Al-Mahdi (May Allah hasten his relief) said: *"As for new events, you ought to go back to*

those who narrate our traditions..."[1] On the other hand, and although some might question its authenticity, the Shiites cite the following tradition as proof for the need to emulate: *"The ones among the jurists who immune themselves, preserve their religion, do not follow their passions, and obey their Lord, the people can emulate them"*[2].

Thus, we see that the Shiites have always referred to their scholars, but it is not clear that there was a supreme authority, whether a single person or several persons that they emulated in a comprehensive manner, since at the time, they did not have the means to be in a constant contact with one person, which made it impractical or unrealistic for the Shiites to go back to the same scholar in all matters.

They used to go back to the religious authorities in their own areas, and some of them, like Sheikh Al-Mufeed and Sayyed Al-Murtada, became so famous that they were referred to by Shiites from remote places, but this does not mean that they constituted what could amount to a supreme authority, whether in terms of its comprehensiveness or its prorogation in time.

Thus, we see that the Shiites in Iran referred to the Iranian scholars, while the Lebanese or Iraqi Shiites went back to their compatriots. Every now and then, an

(1) Wasa'il Ash-Shia, tradition N◦ 33424
(2) Wasa'il Ash-Shia, tradition N◦ 33401

extraordinary authority would emerge, and people would refer to him, yet not in an extensive or comprehensive manner.

Therefore, from a historical perspective, we could talk about the absence of a supreme religious authority. Nevertheless, emulation did exist, being a natural thing in man's life, which is based on the notion that the ignorant asks the knowledgeable.

Conditions of emulation

Q: But we notice that the issue of emulation has become a major topic that is divided into subtopics, such as knowledgeability and being alive, male and just...etc. Are these conditions conclusions impelled by the mind, or are they a result of the natural development of the science of jurisprudence?

A: The concept of emulation was not complicated in a way that required thorough discussions that today's scholars embark on. People used to refer to the religious scholars in a spontaneous and natural way without distinguishing between the dead and the living, or between the knowledgeable and the less knowledgeable. They used to be satisfied by referring to a scholar who has learnt jurisprudence, so that they could be pardoned before Allah.

They might have depended on the views of dead scholars, not only on the basis of continuing to emulate

the dead, but also choosing to start emulating a person after his death. Traditions suggest that the influence of Sheikh At-Tousi extended for a long time after his death, not only on his students, but also on the people, since their life and thoughts were dominated by his influence.

I, therefore, believe that there were no complications in this sphere. People used to go back to the dead and the living, the knowledgeable and the less knowledgeable, in a very natural and spontaneous way, since the notion of the supreme authority was introduced later on. But this does not mean that the jurists at the time did not discuss the issue of knowledgeability, yet not in the manner discussed nowadays. Thus, emulation was not a problematic issue. People used to practice it in a very simple manner, just as the issue of Niyyah (intention) which was not discussed by the previous scholars.

The issue of Niyyah is not complicated. One cannot worship Allah unless he has the intention of doing so. Moreover, the Niyyah is automatically linked to pleasing Allah. But the jurists who came afterwards used to be too rational in their discussions that they made suppositions of virtual cases, thus complicating issues, which were actually simple.

Emulating a dead Religious Authority

The act of emulating a dead scholar is based on the fact that it is the rational attitude to follow. We all see

how the ignorant, in all times and places, refers to the knowledgeable, whether dead tens of years ago or living. To go back to a dead expert in any branch of knowledge is something rational, because the matter of the jurist's life or death has nothing to do with the soundness of his opinion once taken concerning a certain matter.

For an opinion to be sound, it is enough that when the opinion is made the scholar is of a sound mind, experience and knowledge. What happens to him later, such as illness or death, is irrelevant to that opinion.

That is why we find that people go back to the dead whether as an on-going practice or starting emulation after death. Thus, the jurists who came before us used to adopt the opinions of those who existed before them, since they have a significant scientific value. Thus, the issue of whether it is permissible to emulate a dead scholar or not was not controversial at that time.

We consider that the issue of emulation is of an innate nature that is based on the practice of the ignorant going back to the knowledgeable. It is not a worshiping rite, because the rational believe that the opinion of any man possessing knowledge in any field of knowledge is an argument (evidence) in that field. And there is no need in our view for any jurisprudential evidence, because the intellectual argument is sufficient as an excuse even if it turns out to be wrong, just as it constitutes and excuse when it turns out to be right.

We also do not find any basis for the condition of emulating a living jurist, and we do not think that this issue should constitute any problem.

And the jurists who came later on and talked about the condition that the authority should be alive, for his juristic opinion to be accepted... they have actually turned to the complicated philosophical aspects, which if we review, we cannot but feel sorry for them, for they did not rely on the scientific ways of discussion. They kept asking: Does the dead person have an opinion or not? They also discussed other irrelevant things: Does his spirit remain, and does his opinion remain with his spirit... things that have nothing to do with one's judgment that was once based on his intellectual capabilities and jurisprudential knowledge. What would happen later on does not make the opinion, not an opinion. The opinion of the jurist represents his opinion at a given time, regardless of the changes that might follow in his mental and emotional state. If not, how could we defend the authenticity of his opinion when he is asleep... or when he falls under great pressures?!

We know that there are many jurists who forget some of their Fatwas, due to their sheer size; so, they go back to their texts when they are asked about them, because they cannot possibly memorize all their Fatwas.

Moreover, we deduce from Allah's sayings: **"Ask the**

knowledgeable if you know not", (16:43) and (21:07), **"and it does not beseem the believers that they should go forth all together; why should not then a company from every party from among them go forth that they may apply themselves to obtain understanding in religion, and that they may warn their people when they come back to them that they may be cautious?"** (09:122) that the answer one gets from the knowledgeable scholar is a binding argument that he can convey to others. Thus, those who hear a warning should still act accordingly, even if the warner dies; not to mention that they should also convey it to others and to their families.

Throughout the history of thought, the issue of living has never been a condition [for the validity of a certain idea]. Jurisprudence is not something peculiar in this field, except for being an argument and a justification.

Furthermore, I was neither the first nor the last to say that the emulation of a dead scholar is permissible. Great scholars, such as Al-Muhaqqiq Al-Qummi, the author of the book "Al-Qawaneen" (The Laws), saw that it is permissible either right from the beginning of emulation or as an ongoing process following the scholar's death.

Consensus does not apply in this case, because the issue appeared later on; that is, when philosophical considerations penetrated the field of juristic judgment, without any firm and sound foundations.

Freezing the development of jurisprudence

Q: Some consider that the permissibility of continuing to emulate a dead scholar or starting to emulate one after his death will lead to the freezing of the development of jurisprudence?

A: Some people have reached this conclusion based on the idea that people's reference to the opinions of the dead scholars has left the living ones with no motivation to pursue their own independent reasoning, for they believe that there is no social need for their opinions. However, I believe that this is untrue, for the motive that calls man to carry out his own research and learn is innate and based on his own desire of seeking perfection. Consider the number of scholars who based their knowledge on the desire of being knowledgeable, or on maintaining a prominent social position, or on getting closer to Allah in unfavorable circumstances that deter their ability to embark on their studies and reach jurisprudent opinions!

When I say it is permissible to follow the opinion of a dead scholar, it does not mean that one cannot emulate a living one. People are entitled to choose to emulate either a dead or a living scholar, for there are many living scholars who are prominent and distinguished in the field of jurisprudence.

The fact that people refer to one or two scholars does

not undermine the chances of the others, and it makes no difference if the scholar was dead or living, for this issue does not put an end to jurisprudence or emulation.

On the other hand, there is a myriad of new issues that the former scholars did not discuss; thus, rendering the need to refer to the living scholars natural and realistic. Moreover, knowledge does not reach an end upon the death of a past scholar, nor does life halt at the situations they lived in. Every age has its own problems, inflictions, and hardships, and people tend to refer to their [contemporary] scholars to handle them. We deduce that what is meant by the following tradition of Imam Al-Mahdi (a.s.): *"As for new events, you ought to go back to those who narrate our traditions"*(1), is that people used to refer to the Imams (a.s.) or the previous scholars to inquire about any upcoming events [at that time]; however, new events might take place, and consequently, require referring to the [contemporary] scholars to handle them.

In conclusion, the practice of emulation did not freeze throughout history, but rather it opened up to new circumstances and new needs. This is the answer to whoever claims that deeming the emulation of dead scholars permissible impedes people from recognizing the new problems that might afflict them. We do not deem it obligatory to refer to the dead scholars; but

(1) Wasa'il Ash-Shia, tradition N◦ 33424

rather, we consider that the latter's opinions are legal and could be considered as arguments.

Condition of knowledgeability in emulation

As for the condition of knowledgeability, I see that the rational reasoning, which is a basic factor in emulation, is not restricted to referring to the most knowledgeable, in principle, but rather it is enough that the people, in all their issues, refer to the experts in the fields they are inquiring about. As for the issue that people refer to the most knowledgeable in cases of multiplicity of views, it is actually restricted to the cases where precaution exists and is not applicable to the cases where an evident argument is required. Actually, this is also applicable in our daily lives where people refer to the most knowledgeable doctor when their condition reaches a critical level. Moreover, they might not be satisfied by the most knowledgeable doctor only, so they ask for a medical committee to cooperate with the doctor so as to make sure that they do not leave out any possibility to find out what the disease or the treatment is. Therefore, referring to the most knowledgeable in cases of multiplicity of views is not obligatory or importunate in the lives of rational people, except in critical and necessary cases. We are aware that in the jurisprudential issues, we are not bound to resort to precautions, for we would not always reach reality, but rather we are obliged to get the ruling that will make us excused before Allah; which could be

accomplished by referring to the Mujtahid who is well-versed in jurisprudence and is pious enough, and so on.

Some say that referring to the less knowledgeable scholar in case of differences is not supported by an evidence, as Allah says: **"So ask the possessors of Remembrance if you do not know"**, (16:43) and (21:07), and He says: **"That they may apply themselves to obtain understanding in religion, and that they may warn their people when they come back to them that they may be cautious?"** (09:122), since the evidence cannot include two contradicting opinions, so it is meaningless to say: choose either this opinion or the one that contradicts it. Therefore, if the proof does not include both opinions, then there is no proof for the validity of the opinion of the less knowledgeable, if it contradicts that of the more knowledgeable. Thus, we have to resort to the mind, which tells us that we can choose either between any of the two opinions or the opinion which the mind deems more probable, which is the conclusion the mind is inclined to reach.

Others claim that the evidences do include the opinion of the other, but in the form of giving the chance to make a choice, for when Allah says: **"So ask the possessors of Remembrance** [knowledge]", He means to ask any one of them, since such generalization that includes each and every one of them represents a kind of selection. When one says "be kind to man", it means to be kind to any man; thus, you are free to choose to take the opinion of

anyone. The Ayah does not call on us to ask all the possessors of knowledge; but rather, anyone of them. Therefore, we conclude that it does not constitute a problem for the evidences to include two different opinions, yet in a manner of selection. Jurists, as well, do not mind to choose between two different opinions if the evidence says so. We claim that the evidence does say so, even if the other was more knowledgeable.

As for those who believe that the rational way is to take up the opinion of the more knowledgeable when it comes to choosing between him and the less knowledgeable, we have already mentioned that rationality does not oblige man to do so, as long as the other possesses the scientific potentials and the wide expertise that are based on much practice.

The issue of knowledgeability is complex and obscure, for what is meant by the most knowledgeable? Some say that "the most knowledgeable is the one who is the most capable of deduction", so the question that follows is: what are the standards of deduction? Perhaps some people conclude that the most knowledgeable is the one who is the most accurate in the rational procedure of reaching a ruling; however, we say that accuracy in such procedures might drift man away from his jurisprudential awareness, for the jurisprudent issues might be in need of a literary taste more than they are in need of accuracy, because they are primarily related to the Quran and the texts of the Sunnah. Perhaps, the more

knowledgeable in the rational procedure of reaching a ruling is farther from the legal ruling than the less knowledgeable who is more experienced and enjoys a customary and jurisprudential taste.

As for the issue of "closeness to reality", we ask: who knows what reality is so as to know if something is closer to it or not, keeping in mind that the issue might be based on relativity?! We could go even further and say that the opinion of the most knowledgeable in this phase could be conforming to the opinion of the less knowledgeable in another phase. There exists no constant opinion of the most knowledgeable that enables us to talk about closeness to reality. Thus, one is in need of a person who enjoys a jurisprudential taste through which he could understand the Holy Book and the Sunnah in a familiar manner, so as to understand the grammar of the Arabic language, get to know the literary methods of expression, and embrace the spirit of Islam through which he could handle the contents of the religious rulings. Consequently, he could be able to recognize if a certain religious ruling contradicts the Quranic concepts and the contexts of the noble prophetic Sunnah, by means of his intellectual Islamic sense.

Therefore, we believe that the issue of the most knowledgeable is not a binding condition; had it been binding, the less knowledgeable would have locked their doors before the people's needs, for people would not refer to them in any issue, or they would not enjoy the

argument to guide people when the most knowledgeable is present, even though we notice that the latter is not referred to except in urgent cases. As for those who say that people refer to the less knowledgeable not knowing that there exists a difference between the most knowledgeable and others, i.e. they refer to the less knowledgeable thinking that his opinion conforms to that of the most knowledgeable, we cannot but say that people refer to the less knowledgeable on the basis that the opinion of the latter is not contradicting with reality. Actually, people refer to this doctor or the other, or this engineer or the other while they know that there are differences amongst them, and they refer to the scholars while knowing generally that there is a difference amongst them. Therefore, people rationally find no problem in referring to the less knowledgeable and even believe that there is evidence on that. Moreover, nothing in the Islamic Shariah prohibits referring to the less knowledgeable; thus, it constitutes no problem to do so.

Our final remark has to do with the practical aspect of emulating the most knowledgeable in reality, in terms of the difficulty of pointing out precisely who the most knowledgeable is, through the distinguishing elements, knowing that each jurist (Mujtahid) has a distinguishing trait that another jurist might not enjoy, for there is no such thing as a person who enjoys all the elements of knowledgeability. Therefore, those who call for this option or the other base their opinion on a certain

jurisprudential aspect, according to their practical mood and personal preferences. In other cases, the issue might be subject to emotional considerations or secondary political or social principles; rendering the issue of emulating the most knowledgeable one that does not enjoy much practical reality.

The permissibility of Tab'eed

As for the issue of Tab'eed - emulating a jurist in some issues and others in different issues - I am not the only one who deems it permissible. Actually, whoever deems following the most knowledgeable obligatory says that if there is a group of jurists who could all be characterized as the most knowledgeable; i.e. at the exact level of knowledgeability, yet they together constitute a group that is more knowledgeable than the others, then some call for choosing one from among them or resorting to precaution if there were several jurists.

Therefore, if we deem it permissible to go back to whoever is not within the category of the more knowledgeable, or if we agree that there is a group of people in which no one is more knowledgeable than the others, then, in both cases, we adopt the option of choosing one of the opinions based on the rational thinking that does not require being precautious in such a case. Moreover, the Islamic Shariah does not precisely point that out; but rather, the jurisprudent (Faqih) might make use of his jurisprudential taste to allow selection

between those contradictions over a certain narration, considering that making a choice is one of the jurisprudential instruments, since the narration enjoys no significance except in the fact that it represents a religious content that is linked to the deeds of the Mukallaf (he who is held accountable of his deeds). If making a choice was accepted as a general rule for all issues, then the Mukallaf is allowed to follow the opinion of a certain jurisprudent on a certain issue and not another, since there exists an argument.

It is also acceptable to adopt precaution and act accordingly.

However, in this respect a certain problem surfaces, which is that there is an ongoing debate amongst the jurisprudents over the following: Is it permissible for those who are away from Ijtihad (the exercise of deriving a ruling by a jurist) or emulation to resort to precaution, especially that there are issues over which the scholars disagree whether precaution is allowed in them or not? Actually, the scholars bring up in their jurisprudential research the following issue: If precaution entails, for example, repeating the action, is it permissible for the Mukallaf to repeat the action as a precaution at a time he could refer to a certain religious authority (Marja') and do the action once, or depend on his own independent reasoning if he is qualified to do so?

It must be noted that the issue of emulation, in certain

aspects, is a subject of controversy over whether it is lawful or not; therefore, in this case, man ought to make his own independent reasoning or follow the opinion of the jurist who deems precaution permissible in this matter.

In certain cases, it might be required, as a precaution, to abstain from resorting to precaution because of a certain problem it could lead to, and perhaps the ordinary person who does not enjoy a good general knowledge cannot resort to precaution in everything, for he ought first to find out in which cases he could resort to precaution. The issue, in principle, is that there is no problem in going back to precaution in cases that eventually lead to realizing the realistic Taklif anyway. The act of precaution, in this case, is lawful; however, the problem lies in certain applications that expose man to certain hardships, destitutions or the like.

Q: Is it permissible to follow the opinion of a person who is specialized in one of the fields of Islamic jurisprudence, such as the economic affairs, knowing that he is not conventionally considered to be a religious scholar?

A: The issue is not one of official or conventional recognition according to which the specialist in a certain field would be given the title of a religious scholar or a religious authority or the like; but rather, it is a cultural stage by which man attains the level of Ijtihad; thus,

becoming one of the experts who could follow their own opinions or that others could follow their [the experts'] opinions. If man managed, through his studies, to attain the level of Ijtihad, then it is acceptable, and he is even obliged, to follow his own opinion if he did not want to act on the basis of precaution. Therefore, even others can emulate him if he meets all the conditions of a jurist and the issue was of the sort that requires emulation.

The qualifications of a religious authority

Q: What are the qualifications and conditions that ought to be met by a certain religious authority one is allowed to follow?

A: The main characteristics are Ijtihad coupled with practice, which ripens his jurisprudential awareness, knowing that according to us, Ijtihad and justice that reassure the Mukallaf about the jurist are not enough. Moreover, there are other conditions, such as being male, freedom, and being a legitimate son, which does not affect emulation, scientifically speaking, but rather, they might have a certain impact on emulation socially speaking, and they are most probably based on precaution.

Q: Is being male a condition that ought to be met by the jurist who is to be emulated?

A: If the issue of emulation is based on the concept that the ignorant refers to the opinions of the knowl-

edgeable, then it makes no difference if the latter is a male or female... but, the general jurisprudential understanding tends to not accept going back to a female. However, I do not believe that this understanding was founded on a profound jurisprudential basis, but rather, it was the result of certain social situations that people experienced, especially in their inferior look towards the woman in the past and considering her incompetent to shoulder any jurisprudential responsibility or because there is no historic experience that marks women's engagement in this field, which is not to be adopted as an evidence.

Q: Is there any difference between the trait of justice that the religious authority should enjoy, on the one hand, and that which the Imam who leads the prayer should enjoy, or the justice of the eyewitness, or the like, on the other hand?

A: I do not believe there is a difference between them, and there might even be certain reservations on the terms imposed by the people, even when it comes to the justice of the Imam who leads the prayer, in the way this Fatwa is handled nowadays. Some are trying to tighten the terms on the religious authority in comparison to others, for he is supposed to shoulder big responsibilities whether in issues related to money, legal rights, honors, or the like. However, such terms are not related to the authority of the Marja' as part of emulation, but rather they might be related to such authority in terms of the

issues of money, honor and blood that the people can refer to the authority based on the leadership role he enjoys, being the deputy of the Imam even when it comes to other issues.

The duties of the Mukallaf towards the religious authority

Q: What are the duties and commitments of the Mukallaf or the nation towards the religious authority in matters other than Fatwas (legal opinions)? Does mere knowledge and acquaintance with the religious issues and jurisprudence make the religious authority entitled to such authority, or are there other conditions he ought to fulfill?

A: The authority of the Marja' is divided into two aspects:

The religious authority might be a Marja' in issues pertaining to Fatwas, meaning that he would be concerned with deriving jurisprudential opinions based on evidence. Thus, he would be in need of a jurisprudential culture; meaning that he should possess knowledge in the evidence of the rulings in all their premises and in how to apply derivation (Istinbat), with the help of a jurisprudential taste that enables him to understand the religious texts, be they from the Quran or the Sunnah, the way linguists understand them. Thus, he should have a literary culture besides the lingual one, for the "technical" way of comprehending the religious texts

actually differs from the lingual way of comprehending the connotations.

He might also be in need of an overview on life so as to be able to understand the objects of the rulings in the on-the-ground reality, on the one hand, and the circumstances surrounding these objects, on the other hand. Moreover, in order to be capable of deriving religious rulings properly, he ought to enjoy an Islamic awareness in matters pertaining to concepts, Islamic events, and Islamic solutions, so that the jurisprudential derivation would conform to the major Islamic goals that represent the general lines of the Islamic values, concepts... etc.

The religious authority that issues Fatwas ought to possess the culture of Islam; meaning, Islamic knowledge, whether in terms of understanding the language, or comprehending the artistic styles of the language, or realizing the rules of derivation, or recognizing the evidences, or studying Islam in all its concepts and values, as well as its general lines in life. This authority is traditional and it is related to the cultural aspect that might extend, in the view of certain people, to include what the emulated originally adopts, or that might narrow down to being aware of the evidences, even if in the traditional manner that does not necessarily require opening up to life or life's general concepts, which is the method adopted by some religious authorities of emulation, whom we respect and whose knowledge we honor, in spite of a few reservations concerned with the

limits of the openness of their authority to the current age and concerns.

The other type of religious authority is the leading religious authority, which opens up to "Wilayat Al-Faqih" (the Guardianship of the Islamic Jurisprudent). This takes place when the religious authority turns into one who governs reality, handles people's affairs and leads the movement of reality on the basis of Islam, as a jurist who is open to reality, aware of it, and informed about every detail of it. He should also be able to keep up with the experts to be acquainted with what he is not an expert in and to follow up the ongoing changes that lead to differences in the leading political rulings, as a result of their own differences.

Therefore, the religious authority ought to possess a comprehensive Islamic culture that enables him to derive rulings; thus, opening him up to the dynamic Islam in life. Moreover, he ought to be aware of the entire reality with all its changes, singularities, details, and circumstances, for it would be extremely hard for him to lead the reality without being aware of all its particularities. Actually, this imposes on him to be well-informed about man's entire reality, as well as the nature of his horizons and dimensions in a way or another. In conclusion, the cultural aspect is not sufficient in this case.

As a matter of fact, the religious authority, who could be able to issue Fatwas and at the same time play a

leading role, ought to possess both; a vast Islamic culture with all its connotations that enable him to derive rulings, on the one hand, and a field political and social culture that follows up with the reality in all its content, either depending on his own potentials, or the potentials he attains by seeking the opinions of the experts.

The presence of several religious authorities who enjoy these qualifications might demand resorting to a popular referendum and consultation; thus, ensuring that the one in the position of a religious authority of the second type (political and religious leader) earns the people's trust and enjoys their acceptance and support. Actually, this is what we notice in the movement of the authority of the first type where the jurist (Mujtahid) is a religious authority to be, in the sense that if people accept and support him, he would become a religious authority in practice.

Therefore, the Mujtahid who possesses all the elements of leadership remains a guardian to be (in accordance with the theory of "Wilayat Al-Faqih") until the people choose him and support him to become a guardian for all Muslims in the jurisprudential sense.

Actually, this is a realistic condition standing by itself, for it goes without saying that he who does not earn people's trust to lead them and does not possess the qualifications that enable him to attain the position of a religious authority cannot impose himself on the reality.

Disagreeing with mainstream views (Al-Mash'hour)

Q: Many revered scholars say that you often do not agree with the mainstream views. What is meant by mainstream views? And does disagreeing with mainstream views - according to certain principles - constitute a flaw or defect?

A: The mainstream views are the views of the majority of jurisprudents who agree on the same ruling. Amongst the ancient scholars, it is called "the mainstream views of the classical scholars" (Mash'hour Al-Qudamaa), and amongst the scholars who came later, it is called "the mainstream views of the [relatively] modern scholars" (Mash'hour Al-Muta'khireen).

It is agreed upon among the jurisprudents that the mainstream Fatwa does not constitute an argument by itself, meaning that it could not be used as a basis for reaching a ruling that is not juristically proven in the Quran and the Sunnah. However, the aura that these jurisprudents acquired, either through their confidence in their work, or the jurisprudential positions they have attained, or by means of the objective circumstances surrounding them, might make the mere idea of disagreeing with them completely rejected from a psychological point of view, just as if the one who disagrees has deviated from the straight jurisprudential line. However, we do not see any jurisprudential basis for such a conception, for there is a difference between

respecting the jurisprudents of the mainstream views, which calls for further contemplation about their Ijtihad objectives and trying to criticize them in an objective scientific manner, on the one hand, and submitting to their opinions due to the historic or jurisprudential aura they have acquired without any discussion, on the other hand.

However, we call for not rushing into disagreeing with the opinions of these scholars, for their acknowledged knowledge makes us take into consideration, on the one hand, that they must have depended on precise and detailed evidences in their Fatwas. However, we ought to consider, on the other hand, that the jurisprudents of mainstream views have, within themselves, disagreed over many Fatwas - other than the mainstream Fatwas - and they have criticized each other on such matters, so why do we not have the right to disagree with them in mainstream Fatwas, for although they might be armed with proofs and evidences, the latter could be either weak or strong, since the scholars are not infallible and they do not represent the final opinion that jurisprudence would end at.

Q: It seems that some of your new Fatwas conform to the Fatwas previously issued by certain scholars, jurisprudents, and religious authorities. Would you please shed light on some examples on such Fatwas?

A: Our opinion that every human being is pure

conforms to the scientific opinion of the martyr, Sayyed As-Sadr, who preferred to resort to precaution concerning this Fatwa, and there are several other contemporary jurisprudents who share us the same opinion. As for starting to emulate a scholar after his death, we share the same opinion of Al-Muhaqqiq Al-Qummi, the author of the book "Al-Qawaneen" (The Laws), as well as other contemporary scholars who believe it is permissible, in accordance with the rule, yet they do not find the courage to issue a Fatwa deeming it so. As for the permissibility of playing with gambling machines, without the involvement of money, it is the same opinion as that of the contemporary jurisprudent, Sayyed Ahmad Al-Khunsari, the writer of "Jame' Al-Madarek".

Another issue is the permissibility of the practice of the secret habit (masturbation) by women with which we agree with the jurisprudents who link the permissibility or impermissibility of masturbation to the act of sperm ejaculation upon practicing masturbation. Actually, when the late Sayyed Al-Khou'i was asked whether it is forbidden for women to practice the secret habit or not, he answered in his book "Munyat Al-Sael": "It is forbidden if sperm ejaculation takes place", whilst noting that expert doctors say that women have no sperm, which means that we have to interpret the traditions which say that women have "water", only in case these traditions were authentic. There is also the opinion that prohibits it on the ground that it is not proven that

women have no "water" based on the rule that rulings cover both men and women. We also share the same opinion on the permissibility of shaving one's beard as the late Sheikh Abbass Al-Rmeithi, one of the scholars of An-Najaf who is renowned for his knowledge and credit, and our teacher, Sayyed Al-Khou'i, who does not deem it impermissible, but rather an obligatory precaution, considering that there is no proof available to render it forbidden, although he abstains from issuing a Fatwa allowing it, as well as other contemporary scholars who deem [the act of] abstaining from shaving the beard a precautionary measure and not forbidden, in addition to other Fatwas, on which we agree with several old and contemporary jurisprudents.

Q: Are the reactions on the jurisprudential opinions that contradict the mainstream or prevalent opinions the result of a jurisprudential familiarity, or are they objective, or are they "false accusations"?

A: I believe that such negative reactions are, most likely, the result of the jurisprudential familiarity experienced by people due to the fact that old Fatwas are deeply rooted and have been there for quite a long time, on the one hand, and due to special complications, on the other hand, and the lack of historic jurisprudential culture, on the third hand.

Secondary considerations

Q: Secondary considerations, just as in the principles

of jurisprudence, govern the primary considerations, yet we notice that emulators tend to deal with the rulings and Fatwas as being of primary considerations, not taking into consideration the secondary ones. Would you clarify this problematic issue using some examples and proofs?

A: The "primary ruling" is the original ruling that is based on the object by itself, according to its nature, just as it is forbidden to drink alcohol, yet it is allowed to drink water and the like. However, the secondary ruling is the established ruling on a certain matter due to the emergence of any external factor, which is demonstrated by what is harmful, or coerced, or results in damage or hardships. Actually, such rulings might overrule the primary ruling, as when alcohol, for example, turns into a vital need on which saving one's life solely depends, then drinking it becomes allowed, let alone obligatory; and in the same sense, when water might result in one's perdition, then drinking it becomes forbidden. Therefore, we notice that the allowed things that would lead to the violation or desecration of the honor of believers or sects, or harm people, become forbidden, regardless of their permissibility as a primary consideration. Actually, this rule of secondary considerations calling for unlawfulness is demonstrated in some customs that have become part of the Hussaini rituals, such as cutting the head (Tatbeer) and hitting the backs with chains (Zanjeel). Such rituals, even if they were allowed in the

primary consideration, as established by some jurisprudents who do not deem it forbidden to harm oneself as long as it does not lead to perdition or extreme harm, might become forbidden in the secondary consideration - in the light that there is no special evidence which reveals that such acts are recommended or obligatory - considering that they might disgrace the Islamic Shiite sect, for they might drive others to make fun of Shiism and consider it backward.

Both the primary and secondary considerations represent Allah's rulings that vary according to the changes in the given situation, and they should be followed being as such. However, the secondary consideration should be thoroughly studied to make sure, by means of jurisprudential evidence, that there are circumstances that necessitate resorting to it.

Emergence of new factors

Q: Are your Fatwas that are in disagreement with the mainstream views, considered final, or are they open to be studied at any time in the future? Is it possible that they would undergo any alteration or modification in case new factors or elements surface, or as a result of a thorough jurisprudential research?

A: The Mujtahid who bases his Fatwas on religious evidence, derived from the Quran or the Sunnah, in accordance with his own understanding, might change

his opinion upon any change in the jurisprudential givens. This might take place when he finds out that he has committed a mistake while deriving the ruling, or as a result of the emergence of other evidences that contradict the ruling he had reached, or other issues. Actually, the Mujtahid devotes himself to find out the realistic ruling emanating from the teachings of Allah and His Messenger; thus, he is on an everlasting quest of finding the legal ruling and reconsidering his previous judgments. Therefore, we can notice how the rulings or judgments of some older jurisprudents differed as they issued new books, just as in the case of the First Martyr. Moreover, one of our contemporary religious scholars and authorities, His Eminence, the Religious Authority, Sayyed Muhsin Al-Ameen (ra), has changed his Fatwa which deems the People of the Book impure into one that deems them pure, and he changed his Fatwa that limits circumambulation (Tawaf) during pilgrimage to the area between the Ka'bah and the Maqam of Ibrahim into one that extends to include the whole area where circumambulation is taking place now, in addition to other Fatwas and rulings of different religious authorities. It must be noted that the religious authority is not infallible, for he might misunderstand the text, or might apply some rulings that do not address correctly the issue in question, or might fail to notice some contradicting or significant narrations. Thus, he has to reconsider his Fatwas, and he needs to be bold enough to admit that he

has been mistaken. For example, I used to consider the astronomical birth of the crescent enough to establish the beginning of the month; however, upon further examination, I changed it to couple it with the possibility of sighting the crescent, having come across some Quranic significations. Therefore, and conforming to the opinion of our teacher, Grand Ayatollah, Sayyed Al-Khou'i (ra), I changed my Fatwa regarding the establishment of the beginning of the lunar months to include both the birth of the crescent and the possibility of sighting it. Therefore, if the astronomers or experts in this field confirm both the birth of the crescent and the possibility of sighting it, in a way that brings about certainty and reassurance, then the beginning of the month would be established, even if the crescent could not be sighted.

The sources of derivation (Istinbat)

Q: You depend on the Quran and what conforms to Allah's book in the Sunnah as a primary source of derivation. Were these the same sources previously resorted to by other Mujtahids and religious authorities, and what are the positive aspects of this method?

A: All Mujtahids resort to the Quran, as well as to the Sunnah, and reject any narration that contradicts the Quran. However, I might differ with some of them in how to infer rulings from the Quran. For example, the Fatwas I derive from the following Ayahs: **"Then keep**

(them) in good fellowship or let (them) go with kindness", (02:229), and: **"And they have rights similar to those against them in a just manner, and the men are a degree above them"**, (02:228), and: **"They ask you about intoxicants and games of chance. Say: In both of them there is a great sin and means of profit for men, and their sin is greater than their profit"**. (02:219), might differ from those other scholars might derive. Moreover, we consider the Quranic context as the main source of inference in issues related to deriving rulings; therefore, it is required to refer the issues mentioned in the Sunnah to the Quran in case the Hadith would make the Fatwas more lenient or stricter.

However, I do not claim to have a methodological way for inferring from the Quran only, which is distinct and different from the methodologies of other jurisprudents. On the contrary, I depend in my Ijtihad on the familiar way used in jurisprudence, which is to infer from both the Quran and the Sunnah, as is the case of all jurisprudents, from which we learned a lot, yet the conclusions reached by one Mujtahid might differ from those reached by the others, especially those who came before us and have bequeathed to us a lot.

Religious permissions

Q: Is facilitating the rulings or issuing religious permissions considered a jurisprudential flaw? Would you please explain in details the applications of the lenient Shariah?

A: If we study the Quranic texts under the aim of learning the general guidelines governing religion, we would find that they explicitly signify that religion is concerned with facilitating matters rather than complicating them and with lifting hardships - extreme distresses - off the Shariah, for Allah says: **"And has not laid upon you a hardship in religion"**, (22:78), and: **"Allah desires ease for you, and He does not desire for you difficulty"**, (02:185), and: **"Those who follow the messenger, the unlettered Prophet, whom they find mentioned in their own (scriptures) - in the law and the Gospel - for he commands them what is just and forbids them what is evil; he allows them as lawful what is good (and pure) and prohibits them from what is bad (and impure); He releases them from their heavy burdens and from the yokes that are upon them"**. (07:157).

When we open up to the Sunnah, we would come across this famous tradition: *"I have brought you a lenient simple Shariah..."*(1), as well as several jurisprudential rules, such as the (rule of purity), which states that *"everything is considered pure until it is established that it is impure"*(2), and the (rule of allowance), which states that *"everything is deemed allowed until proven forbidden, so it should be abandoned"*(3), and the (rule of

(1) Wasa'il Ash-Shia, tradition N◦ 10209
(2) Wasa'il Ash-Shia, tradition N◦ 351
(3) Wasa'il Ash-Shia, tradition N◦ 10524

validity), which states that *"any transaction or the like is considered valid until proven corrupt"*, and the (rule of completion and proceeding), which states that *"once one ends something and embarks on another thing, his doubt is worthless"*, and that *"the doubt of he who doubts much is worthless"*, in addition to the rulings of doubt that drive man to open up to the practical solution that rids him of the complications of doubt... and the same applies to all the allowed things Islam has deemed permissible: **"This day (all) the good things are allowed to you"**. (05:05).

As such, we notice that the issue of facilitating the rulings and issuing religious permissions actually represents the general aspect of Islam; however, that does not necessitate undertaking such permissions as a general jurisprudential mentality that tends to issue permissions without relying on the Ijtihadi method of induction by referring to the Quran and the Sunnah, let alone by studying the Quranic verses and prophetic traditions so as to deem something allowed or forbidden, in order to be able to issue either a Fatwa of allowance or forbiddance.

In the religious permissions we have issued regarding certain matters, we based our rulings on jurisprudential evidences rather than relying on the general aspect of legislation, for it is not enough by itself to devise a religious ruling.

We have declared several times that we are ready for discussing the Fatwas of religious permissions we have issued, and for accepting any scientific objective criticism that is based on induction, and not on demagogy and slandering.

Pure or impure

Q: Some say that you deem it permissible for a child to eat impure foods. Are there other jurists who issue the same ruling? What are the legal evidences on which you based your judgment?

A: First: I am not the only one to issue such a ruling, for great jurists such as Sayyed Al-Khou'i and others, believe that a minor child can consume impure food that does not harm his health.

Second: Forbidding the [act of] eating impure food is not always for reasons related to man's health. Maybe there are other different unknown causes, as when milk or food is made impure by a baby's hand. Another example is the impurity of the meat that is taken from animals not slaughtered in accordance with the requirements of the Shariah, or other prohibited foods which are not proven harmful to the human body, as when we slaughter by cutting the four jugular veins without mentioning Allah's name or without directing the animal towards Qiblah.

In this respect, in the absence of any knowledge of the

secrets behind forbiddance, and in the absence of any harm, obeying Allah's orders is the most fundamental commitment. And since Allah has exempted the minor, a child is allowed to do what adults are not allowed to do in this context. However, some reservations should be considered:

First: The impure food must not be harmful, according to experts, to the child's health.

Second: The child must not be so accustomed to this food lest that will make it hard for him to dispense of this habit when he reaches the age where he will be held liable. Consequently, it is better not to tell him that this food is impure, so that he would not get used to the idea of eating impure foods, making it hard for him to quit later on. Besides, it is not permissible to offer impure water or food to adults. But, if you happen to see someone consuming impure food out of ignorance; you do not have to stop him because he is excused.

Q: In case you know that a restaurant offers non-Halal food, either because of impurity or because the meat is not slaughtered in accordance with the Islamic Shariah, do you have to inform others about it?

A: Two cases are to be discussed regarding this issue:

The first case: If someone thinks that the food he is getting is Halal, even though it is not, it is not obligatory to inform him of the truth.

The second case: People going frequently to a

restaurant whose owner claims to offer Halal food, making use of their ignorance. In this case, the people must be informed to forbid the owner from evil, and to fight this restaurant which cheats people by offering what is Haram as Halal, and what is impure as pure. Warning people, in this case, is based on the concept of enjoining good and forbidding evil on the part of the owner, and not the people, because they did not make any offence due to their ignorance. But, the need to advice Muslims might compel one, as something recommended, to inform them and warn those who are being cheated.

Q: What should a Muslim do if he is offered by a restaurant or a friend meat with no confirmed knowledge that it is Halal?

A: If the friend or the owner of the restaurant is a Muslim who is not aware whether this meat is slaughtered by an unbeliever or not, and whose knowledge does not exceed that of the guest, then a Muslim is allowed to eat the meat. But, if this meat was handled by an unbeliever and the seller was not in a position to know if it was slaughtered according to the Shariah or not, then it is impermissible for a Muslim to eat it.

Sewage water

Q: It is known that the ratio of sewage water coming from houses, shops and factories... etc. is little compared

to the total quantity of the entire water. Moreover, the change in the color and taste of the water is not due to the impurities; but rather, to the mold and bacteria. Moreover, this new color is not the one that emerges from the contact with impurities; but rather, it is a different color. In addition, the water is abundant and running, especially in big cities. Why, then, is this water considered impure?

A: When we rule that the water is impure, it is because it was in contact with impurities. Furthermore, the said water is little and it gets mixed with little impure water to form abundant water. Therefore, the fact that the volume of the sewage water is larger than Kur water does not make it pure, since it is water whose impurity is known, either because it is little impure water, or because it became impure due to the change of the color, taste and smell as a result of impurity. Thus, sewage water is impure, but the elements of impurity could be removed and the water could be purified by mixing it with pure water, be it running or Kur.

Other issues

Q: While cooking, when are dried grapes or raisin considered impure or an impurifying agent to other foods?

A: I believe that grape juice is not impure if it is boiled and two thirds of its quantity is not evaporated; what is

impermissible is consuming it, yet it is pure... As for raisin, if it is boiled, we do not deem its consumption impermissible, since forbiddance is restricted to grape juice, which is not the case here anyway. On the other hand, if raisin is used in the process of cooking, the water inside it would be consumed while cooking. But, if it is not impure per se, forbiddance is restricted to eating it, but if it is used up totally, then it would not be impermissible.

Q: It is widely known among people that olives, especially pickled olives, cannot be purified. What is your judgment?

A: Whether pickled or not, black or green, olives can be purified. Those who reject the possibility of purifying olives base their opinion on the notion that they [olives] store up oil, and since oil is just as any other liquid besides water, it cannot be purified. But, I believe that olives do not store oil; but rather, an olive is a fatty substance which excretes oil when squeezed, just as other similar fats do when squeezed. Actually, the only thing that might constitute a barrier is the oil found around the pickled olives, but we believe that it could be purified just as any other kind of grease or fats.

Q: What is the Islamic rule concerning eating the blood remaining in the legally slaughtered livestock?

A: It is not permissible to eat it, but it is not impure.

Q: If we happen to find blood in an egg after being

fried with oil, is it permissible to eat the egg after removing the blood?

A: If blood remains inside the membrane without contact with the yolk, the albumen, or any other part, then it is permissible to eat the egg, and it is pure.

Q: If we find an insect, which is frequently found in impure areas, such as cockroaches, in water or oil, do we rule that this water or oil has become impure?

A: It is considered pure, since we cannot establish the state of impurity on doubt only, because an animal's body does not become impure upon contact with a source of impurity. So if no clear impurity is noticed on the body of this insect, the medium it meets with cannot be considered impure.

Q: What is the judgment concerning working and eating in shops that offer alcoholic drinks and forbidden food?

A: In principle, it is permissible to eat and work in such shops, but if refusing to work or eat in such restaurants is an act of forbidding evil, or if the believers' working and eating there encourage the owner to pursue his sinful and Haram practices, then it becomes impermissible on the basis of enjoining good and forbidding evil.

Q: Does the impurified object transfer impurity to another object?

A: We believe that the impurified object does not

impurify other objects unless it is water. Nevertheless, we take a precaution as to the object that comes in direct contact with the source of impurity, and consider that it becomes impurified as a precaution. As for the second impurified object, which is the object that comes in contact with the first impurified object, it is not impurified. But if it is water, then it impurifies upon contact, even if it is a second or a third impurified object as a precaution.

Jurisprudence of Family

Obedience to Parents

Q: When is obedience to parents imperative?

A: When we study the Glorious Quran, we find that it does not speak about children's obedience to parents; that is, no Ayah clearly states that the order of a parent represents a binding obligation on the child, and thus, should be obeyed as the order of Allah, the Messenger, or authority figures should be obeyed. Islam did not render parents' orders and commands a legal binding duty that must be fulfilled by children; it rather enjoined on man kindness to parents. Actually, the word "kind" was frequently repeated in the Glorious Book, and Allah, the Most Exalted, did explain what this word stands for, by illustrating it with an example in His saying: **"Thy Lord has decreed that ye worship none but Him, and that ye be kind to parents. Whether one or both of them attain old age in thy life, say not to them a word of contempt, nor repel them, but address them in terms of honor. And, out of kindness, lower to them the wing of humility, and say: "My Lord! Bestow on them Thy Mercy as they cherished me in childhood"** (17:23-24).

The above two Ayahs tell us that Allah, the Most Exalted, wants to say: be kind to your parents, do not

offend them, do not treat them badly, open up to them, show humility, mercy and compassion toward them, always remember how they took care of you as a child and deal with them on this basis. And so, the Glorious Quran mentioned nothing about obedience; however, it elaborated on the negative aspect of obedience in His saying: **"But if they strive to make thee join in worship with Me things of which thou have no knowledge, obey them not; yet bear them company in this life with justice (and consideration), and follow the way of those who turn to Me (in love)"** (31:15).

As we notice, this Ayah inhibits obedience to one's parents once they start encouraging deviation away from the right path and the worship of other deities besides Allah. In fact, we see that the term worship of other deities besides Allah, in this context, is meant to be an example of the different forms of deviation that parents would call for. And those forms include exhorting the child to perpetrate acts of unbelief, commit wrong-doings, do what goes against his welfare or forbid him from carrying out the activities that strengthen his spirituality and devotion, such as going to mosques, and help his intellectual and religious growth, such as attending religious lectures and so on. This also applies to the question of Jihad, where he must take an effective part; in this case, we believe that parents have no right to prevent their children from undertaking Jihad, even if the latter was a collective duty (a duty which when

performed sufficiently by a group of people, the rest would not be obliged to perform the same duty) rather than a duty that each and every person must fulfill. Hence, while this Ayah clearly indicates that one cannot be doing his parents any good by disobeying Allah, the Most Exalted, it does not say that one should obey them, even in matters that do not involve wrongdoings; it only says that he should be kind to them. Therefore, if parents ordered their children to carry out what proves to be against their best interest, such as marrying or divorcing this or that person, specializing in a field of study which they dislike, or undertaking a certain trade to which they find themselves unqualified... etc., they [children] should refuse to obey them, even if it hurts them [the parents].

As for the case of the marriage of a virgin, assuming that it is proven - and we do not say that it is - where she should obey her guardian [as presumed], well, it has nothing to do with the question of obedience. It is rather related to the fact that the legality of a girl's marriage is decided by the guardian's consent; that is, the consent of her father or grandfather. So, it is not about obeying the guardian; but rather, about fulfilling a legal requirement that might be laid down as a way to protect her against seduction and deviation.

Q: What would my lawful position be if I refused to comply with my father's desire in marrying a certain girl, knowing that this might affect my relationship with him negatively?

A: Actually, if you force yourself to obey him; Allah would reward you greatly for your deed. However, obedience to him is not a must.

Q: If I want to travel and my father refused to let me; would my travel be regarded as a wrongdoing?

A: If traveling redounds to your benefit, such as pursuing studies, and does not endanger your life in a way that dreads your parents; it would not be regarded as a wrongdoing.

Q: Am I allowed to dispose of my parents' funds without their knowledge, and what if I obtained their approval later?

A: You may not dispose of their funds, if you do not acquire their absolute approval on any kind of use of these funds, whether you want to use them for spending or carrying out transactions such as selling, purchasing, trading ... etc. Once you have their agreement; there would be no problem in that.

Q: If my father is stingy, may I take some of his money to provide for some of my essential needs?

A: If your need to spend on yourself is part of his responsibilities, you may turn to the Islamic judge (Hakim Shari'i)[1] and ask for permission.

(1) An authoritative judge that rules in accordance with the Islamic Law (Shariah).

Q: Am I allowed to practice usury in dealing with my father?

A: It is not allowed as an obligatory precaution, because the evidences and stories concerning its absolute permissibility are weak, and because the unanimous opinion claiming it is so is not authoritative.

Q: If my father disinherited me because I disobeyed him in a certain matter, is his attitude lawful?

A: Disinheritance may be regarded from two perspectives: When during his lifetime and when still enjoying good health, he transfers his possessions definitively to one of his children, to a charitable foundation or others, and thus, when he dies he would leave no legacy which one can claim having rights to or which one can claim being deprived of. On the other hand, if he carries out such donations or allocations while suffering a serious disease or illness which, very likely, might lead to death; two opinions govern the issue in this respect: the first one says that he cannot dispose but of the third of his properties by sale or gift, exactly as the will dictates. However, the other opinion which we tend to accept says that the conclusive disposals of a dying person's properties are the same as his disposals while being in good health and do not depend on the heirs' approval. And here, depriving heirs of inheritance proves to be valid because people are the absolute masters of their belongings. So, during his lifetime, a

person has the complete power over his properties and can dispose of them as he wishes by transferring them to this person or divesting them of that. Nevertheless, supposing that this deprival was fulfilled through allocating his legacy to one or several members of his family neglecting others; the will, in this case, will not be implemented, but to the amount of the third, because if a person has bequeathed more than the third of the legacy; the will would not be valid, unless the heirs expressed their consent, and if some of them refused to agree, they must be allotted their part of the legacy.

Q: Do you see that the act of disclosing family's secrets and problems to others is slander?

A: It is not only slander; it is, rather, the most sinful kind of slanders. In case the son/daughter did not suffer from any oppression or bad treatment, not only such doing reveals the secrets of his/her parents who have looked after him/her and fulfilled his/her needs and desires, but it also disrespects and destroys their privacy and damages their reputation amongst people. However, if the child was abused, meaning that he was physically or psychologically maltreated and he was expressing his unhappiness to someone; in this particular case his disclosure would be permissible for Allah says: **"Allah loves not that evil should be noised abroad in public speech, except where injustice hath been done; for Allah is He who hears and knows all things"**. (04:148). Nonetheless, it

would be better that he limits his disclosure to those who can offer help and end his suffering. Thus, speaking about the problems of one's parents and disclosing their flaws as they fight for the mere purpose of releasing tensions or venting out any psychological disturbance caused by these problems is not legally justified. The same logic would also be true if slander involves brothers or sisters.

Q: As a worker in my father's store, do I have the right to ask him for the same salary as any other worker?

A: Yes you can, but if you get enough money to support yourself, he would not be obliged to sustain you anymore. In other words, his duty to provide you with all the necessities of life persists as long as you need him. He, moreover, has no right to force you to work for him in exchange for sustaining you. Actually, you can negotiate with him with regard to the amount of the maintenance he is providing you with, in comparison to the wage you are supposed to receive from your work, and he is not allowed to pressure you on this issue or compel you to work for him. Indeed, you can work elsewhere and pay him in return the amount of money he spends on you, in case he does not want to spend on you considering that you are no longer in need of his support. Furthermore, if the son was an adult, the father is not allowed to coerce him to work with him, even under the pretext that this would be in exchange for maintaining him, because the question of maintenance necessitates lots of considera-

tions and deliberations. However, in the case of a minor child - meaning that he is still immature and completely dependent on the guardianship of his father - the father has the authority to make him participate in the work, if that would be deemed beneficial for the child; but if there was no benefit or interest for the young boy, the father may do nothing about it.

Q: My father treats us harshly and relentlessly; do we have the right, as children, to do behind his back what might spur his cruelty toward us, but with the knowledge of our mother?

A: Yes, you can, provided that these deeds do not hurt him or lead to unlawfulness.

Children's secrets

Q: Are parents authorized to search their son's/ daughter's closet or drawers to discover their secrets?

A: In fact, mothers, fathers, brothers, and even wives have no right to search the closet or the drawers, in which a person keeps some of his private things. In other words, people's hidden stuff constitutes an area forbidden to other people no matter how close they were, even if the concerned person was still a minor. However, an exception to this rule is approved once it is feared that the person is about to go astray and deviate from the right path or fall prey to a certain danger embraced by his private concealments. Thus, parents too are not allowed to open their child's private letters, except for when the

question involves a danger threatening his moralities or faith, emanating from some of his relationships or friendships.

Raising children and the principle of freedom

Q: My father interferes in all my private affairs, he even meddles in what clothes to buy, how to do my hair, what kinds of books to purchase, when to return home... etc. He says he wants to bring me up properly. Actually, I am feeling as if I am being deprived of my own personality; does he have the right to do so?

A: In principle, he does not. However, a father has the right to advise and put some pressure on his son trying to achieve what is best for him, as long as he does not reach the extent of canceling the latter's personality or humanity.

We always urge parents to recall how they, themselves, used to be as children and how they felt with regard to their parents' actions and decisions when the latter tried to persecute them, confiscate their humanity, weaken their personality and frustrate their spirits. We ask them to remember all the emotions they went through and deal with their children the way they wanted their parents to deal with them. Nevertheless, if you (as a parent) were facing a highly dangerous situation imperiling your child, you have the right to interfere in his affairs, but you must do so through the means of

persuasion or by pressuring him in a way that does not affect his personality, because he might suffer from serious psychological distresses. Indeed, we do not want you to fix a problem by creating a far more dangerous one.

I believe that adopting violence as a way to treat one's children represents an impractical and unrealistic method and involves lots of unlawful practices, especially if we were dealing with an adult and mature person. In fact, such a method leads the child either to lie to his father or to develop a psychological complex with regard to him; a complex that might blow up in the future to destroy all the great qualities that his father wanted him to develop; that is, a personality of honesty, morality and so on. Therefore, I call on parents to assume their role in working toward achieving their children's best interest, saving them from all the dangers that surround them by adopting lenience and tolerance; a method that might convince them with their opinion or that might talk them into obeying. When following this pattern in dealing with one's children, a father must resort to reason, emotions, or to fulfilling some of the child's desires and wishes. Then again, if the seriousness of the situation reaches the extent of endangering the child's faith or moralities and violence proves to be the only way to save him, without causing any greater negative repercussions, the father has the right to take certain actions he deems necessary to resolve the problem. And

here, his behavior will be based on his duty to enjoin good and forbid evil, exactly as he has to act with regard to saving any other person, besides his child, from committing wrongdoings and deviation if saving the latter happens to be dependent on a particular action he has to take and that might be violent.

I do not encourage children to think of themselves as absolutely free to deal with their parents with rebellion and defiance; I am only trying to tell parents that the choice between violence and lenience is a practical issue that is determined by the results of each in educating and raising our children, and that putting harsh pressures on our children would only lead to a reverse result. The problem with some people is that they only think of the beginnings while I think of the ends. It was reported that a person said to the Prophet (p.): "O Messenger, would you advise me?" Muhammad (p.) answered: *"Would you follow my advice if I did?!"* and he repeated that three times consecutively, and each time that person replied affirmatively. So, The Messenger (p.) said: *"I ask you to reflect on the end of whatever deed you are about to undertake; if it turns out to be right, you shall proceed with it; but if it was just about evil, you ought to forsake it"*. I look at the content of issues, rather than the form they take.

And here lies the real problem, because some people are trying to preserve appearances, regardless of the consequences. Actually, some people do not think of the

gravity and weightiness of the consequences, and accordingly they neglect them and behave as if the results of what they are doing are conclusive. Actually, we have to draw parents' attention to the following issue; some of the methods they adopt in raising their children might cause the latter some severe troubles and influence their psychological status badly, by creating in them a persecution complex, for example, affecting their relations with people negatively to the extent of turning their lives upside down... etc. and some grave problems that might have bad influences on their lives as a whole. Therefore, the question of a father raising his child must be governed by the father's deep conviction that he is not simply dealing with a physical body that he wishes to force to yield, but that he is dealing with a person who has a soul, mind, thoughts, feelings and emotions. Consequently, a father must take all of these factors into deep consideration as he chooses the most appropriate method to use in bringing up his child.

Women's adornment

Q: Are women allowed to wear unattractive rings and bracelets?

A: The following Glorious Quranic Ayah is the best answer in this respect: **"That they should not display their beauty and ornaments except what (must ordinarily) appear thereof"**, which means that women are allowed to wear apparent ornaments in the visible spots of their

body; that is, she can wear rings, bracelets... etc., provided that they are not appealing and alluring.

Q: What about wearing perfumes, is it lawful?

A: If a woman wants to go out wearing perfume, she can. However, if perfuming herself reaches the extent of seduction or inciting a weak person to covet her; that is, arousing in the latter unchaste feelings and desires caused by the act of seducing him and not by a certain vulnerability or complex in him; in such case, putting on fragrances is deemed undesirable, if not forbidden.

Q: What is the juristic stance with regard to contact lenses used for adornment?

A: If contact lenses are used for embellishment and beautification, it is impermissible to use them.

Q: Are transparent stockings sufficient to cover the woman's feet?

A: If stockings still reveal what is underneath, meaning that the feet can still be seen; then, they are not properly covered, rendering the stockings not adequate. However, the woman does not have to cover the part of her feet below the ankle, although it is a recommended precaution to do so.

Q: Is a woman allowed to, reverberatingly, intone chants and recite prayers or verses of the Glorious Quran in solace gatherings in front of men?

A: Yes, she can, provided that her voice does not evoke feelings or desires in vulnerable persons.

Wigs and veils

Q: What is the position of the Shariah towards wigs "false hair" covering the original hair; is it regarded the same as a veil?

A: If wigs were simply used to cover the original hair, they would not be forbidden, because the ultimate aim is to cover the hair. Nevertheless, if they are worn for adornment and seduction; they, indeed, would be prohibited. On this basis, a woman would be considered veiled in the materialistic and not in the spiritual sense of the veil. Verily, the spiritual aspect is what counts, and wearing veils is only one of the materialistic aspects leading to the spiritual one.

On the other hand, sometimes the wig represents the best legal solution for the women who undergo hard pressures by society to remove their veils, just as had happened and is happening in some countries of oppression and unbelief where veiled women are being threatened of expulsion, imprisonment... etc. In some countries, Muslim female students are prevented from wearing veils, and this deprives them, in return, of education or any other vital need in their lives causing them hardships and troubles. In such cases, wearing a wig represents the best answer to solve the problem whilst abstaining from revealing the original hair which must not be revealed.

Q: I convinced an unveiled girl to commit to the Hijab, and when I decided to marry her, my parents prevented me, claiming that she only wore the veil to deceive me and trick me into marrying her, but I do not believe so. What do you think about such a situation?

A: I recommend this young man to study the issue carefully and thoroughly, because he could be confused and lost between the emotional and the realistic aspect of the situation. It could be that this girl wants to marry him and that is why she is approving of everything he wants. Then after marriage, she might refuse to continue with her commitment to the veil; and so, it would turn out that he had been tricked and that it would be too late to avert the pressures she would be applying on him. Actually, I am not saying that he should follow his parents' opinion; nay, he must think of the question more deeply and consider and study the situation away from all the emotional and psychological influences. He must do so in order to reach a good, clear, and strong decision that could either enable him to persuade his parents or allow him to leave the girl.

Q: Inside home, I wear clothes that show the legs, arms and the chest, knowing that I am a girl and I have brothers; does that embrace any unlawfulness?

A: No, it does not, unless you feel that by doing so you are facilitating the formation of an ambiance of deviation in the house, especially that the brothers

might be watching pornographic movies. So, if you feel that you might be participating in stimulating your brothers by wearing those clothes, you must not do so, because you have to save the prevailing environment in your home from the elements of seduction. Society has, actually, started to witness some cases of deviation with regard to the indulgence in wrongdoings through the videotapes and movies that speak about them. We have even received some cases of incest involving a father and his daughter, a brother and his sister and those cases often happen by coercing victims by force. Such cases of deviation make us sense a danger threatening moralities and that is why the society must counter this problem, in all its parts and with all its strength, by studying all the means that help preventing them, and one of these means is the abstinence of girls from wearing seductive clothes.

Q: To which extent, a woman is allowed to reveal parts of her body before the persons who are too closely related to her and who are lawfully forbidden to her?

A: A woman is allowed to reveal all her body parts except for her genitals or what constitutes elements of seduction. She is not forbidden, furthermore, from revealing her breasts in front of her brothers, father and uncles. But since those two organs in a woman's body represent one of the forms of seduction, where custom considers them as sex organs, she should cover them.

Q: My father walks around before us in his underwear; is it legally unlawful?

A: It is not legally unlawful to look at him. However, a father must not expose his body to his daughters in such a way, just as a brother must not do so in front of his sisters, because it might help in creating an atmosphere of deviation which could be unlawful, according to other secondary lawful considerations.

Music and dancing

Q: What is the legal status vis-à-vis dancing and music for both men and women; and what about a woman dancing for her husband, is it lawful?

A: According to the opinion of Sayyed Al- Khou'i (May Allah shower him with His mercy), we do not consider dancing as forbidden when men dance together or when women dance together in their private gatherings and not before men. Yet, when dancing reaches a certain degree of seducement that arouses the woman and leads her to deviation, it is certainly deemed unlawful. Furthermore, it is not permitted that men and women dance with each other, not to mention that women are not allowed to dance before foreign or strange men[1]. Women, however, can dance in front of

(1) Men that women are allowed to get married to, since they are not direct family members or direct relatives.

their husbands, even if their dancing was sensual and passionate.

As for music, it is forbidden when it becomes erotic and arouses sexual feelings and desires, and that is what jurists interpret by saying it is the melody of the people of debauchery. As for smooth and peaceful music which relaxes the nerves, invites deep thinking, enhances national or religious feelings, or embraces spiritual aspects, they are allowed.

Q: What is the legal attitude, on that account, with relation to rhythmical music, or popular music, the aim of which is to create an ambience for dancing - given that the latter is lawful as you have already mentioned?

A: Such music is not forbidden, as long as it does not involve temptation and excitement; that is, as long as it is not the melody of the people of debauchery as jurists say. Unlawful music is the one that leads to dissoluteness and dissipation, the one that suits the overindulgence of the people of debauchery, and the one that, by its tunes, melodies and notes, stimulates desires and cravings.

Miscellaneous

Q: Does an engaged person, man or woman, have the right to refrain from telling his or her fiancé everything about his or her past including relationships before engagement and marriage?

A: If such disclosure was a condition agreed upon by

both individuals, then they must honor their commitment and reveal to each other the history of their previous relationships. But if there was no such condition; from a legal perspective, none of the two fiancés has the right to know the past of the other, even if they are supposed to work together to build trust in their relationship and open up to each other.

Q: I am an adult girl. Does my big brother have the right to impose on me his decisions and opinions and to order me to behave as he wishes, knowing that my father is alive and lives with us. And what if my father is no longer with us?

A: Religiously speaking, a brother has no authority over his sister, but in his capacity, as a believer, he can enjoin her to do good and forbid her from doing evil. Similarly, a father has no power over his adult and mature daughter, except in terms of enjoining her to do good and forbidding her from carrying out evil; to advise, preach and guide her. Hence, the authority claimed by brothers and fathers and which exceeds the scope and limits of enjoining right and forbidding wrong has no religious considerations.

Q: My father is a drunk and he forces my mother to prepare his alcoholic drinks; would she be committing a sinful act? Is she allowed to refuse to do so?

A: If she fears his reaction, which might reach the level of divorcing, hitting or hurting her, she may do it. But if

she is not worried about his reaction, then she must refuse to obey his demands, because firstly, the act is unlawful in itself and secondly, as a believer, she must enjoin good and forbid evil.

Q: My father is a usurer. What is the legal standpoint with regard to the purchases he provides us with?

A: They are not regarded as unlawful, because it is not necessary that their price was paid from the money of usury, especially that purchasing is carried out through obligations; that is, to pay a debt that somebody owes in return for something given with money that is not necessarily part of the money gained by usury. Thus, there is no problem or unlawfulness in what he brings home.

Q: My father kisses my mother on her cheeks and hugs her before us as an expression of his affection and love for her; does this involve any unlawfulness?

A: If it does not engender sexual thoughts and implications in the children's minds, then it does not constitute a problem. In other words, if the prevailing customs accept the fact that a father kisses his wife in a friendly manner exactly as he kisses his son or daughter, no unlawfulness is realized then. Nevertheless, if the customary and generally accepted habits reject such behavior and consider it as a stimulating sexual act, the father must refrain from doing so.

Q: Is it allowed to leave young children walk about without their underwear?

A: If, in this respect, we were dealing with a question of a wrongdoing from the Shariah point of view, the mother must refrain from doing so, but we are not; for this is not forbidden in itself.

Q: Are women allowed to receive their husbands' friends?

A: As a matter of fact, I believe that Islamic moralities forbid such kind of interaction between a wife and her husband's friends because, in one way or another, this might lead to deviation. Indeed, that is what we see in the numerous marital and moral problems that are widespread nowadays, especially if in the house, there were girls in an adequate age of marriage who might stir and affect others. Accordingly, this kind of interaction inside the house might lead to negative results. What I want to say is that, in conformity with the principles of Islam, interaction between a man and a woman who are strangers to each other should not happen in principle; however, it becomes permitted if they were certain that no repercussions would emerge from their contact, knowing that the chances of safety against bad consequences have narrowed down nowadays. I do not want you to take my words as mistrusting men and women in our society; in fact, I am talking about a reality with regard of which we should all be cautious.

Q: Is it necessary to separate men from women during family meetings?

A: According to Islam, they better be separated because we find that this kind of contact or communication, which usually turns into a social habit, even between believing men and women, has given rise to lots of marital problems. In fact, it is possible that the husband might find himself drawn to his friend's wife as he discovers in the latter qualities that his own wife lacks. Equally, another attraction could grow between a wife and her husband's friend as the latter appears to her filling in the gaps she detects in her husband. Moreover, plunging into an atmosphere of intimacy where barriers are overcome, one feels liberated and embarks on speaking to the other party "the friend's wife or husband", as if speaking to his own wife or husband. Therefore, I believe that we must work toward setting moral restrictions and limitations to this atmosphere, which has become dominant in social meetings, even if it has to be fulfilled at the level of separating men and women during social visits.

Q: My father is old and cannot work and I, his only daughter, work to support the family. A man has proposed to me. Do I have the right to move on with my life and leave my parents to manage their life on their own?

A: In such cases, the girl is allowed to get married,

especially if she personally needs to, regardless of whether her need sets from an individual or a religious basis. If she managed to continue supporting her family while being under the guardianship of her husband, then she must sustain her mother and father, only in case there was no one else in charge of the task. However, if she was not able to continue to assist her family, she does not have to. In anyway, if she gets married, she is not considered to have committed a sin.

Q: Does supporting parents represent a binding duty on children?

A: Yes, it is a conclusively binding duty, for just as fathers and mothers are obliged to spend on their poor children, children too have a binding obligation to support their poor parents. It must be noted that all children, be they male and female, are charged with this obligatory duty with no distinction between them in terms of the senior and the junior.

Hitting children

Q: What are the permitted limits of hitting a child with the aim of realizing his welfare and teaching him good manners? And how would mothers and fathers be regarded from the Shariah point of view if they exceed the acceptable level of violence?

A: Islam considers children as a trust parents are entrusted with. So, when Islam made fathers legal

guardians of their children, it did not entail to this guardianship absolute mastery and domination of fathers over children, and it did not mean that fathers are free to dispose of their children's affairs based on their own personal whims and tempers. Verily, what Islam does mean is that fathers should act according to their children's best interest and welfare motivated by the simple desire of setting their children's concerns straight. Consequently, fathers have no right to carry out any damaging or sinful act that might negatively affect the life of their sons and daughters. On this basis, fathers must raise their children by resorting to all the methods that make from the latter good, pious, and honest human beings, whether in their moralities, knowledge, religion or in their general behavior toward people. Moreover, fathers must never resort to applying pressures on their children, as long as other means are available and can attain the same educational goal.

On the other hand, if raising children necessitates hitting them, fathers are allowed to do that; however, they must hit them for educational purposes; that is, to use physical force as one of the psychological and physical pressuring means, provided that it does not reach the extent of cruel abuse. In fact, Islamic rules and principles have drawn the legal limits for hitting a child, stating that it must not lead to reddening the skin. More specifically, if the skin became reddened and its redness was mainly caused by the hitting, independently of any

other factor, the father would be considered as having committed a sin and must make up for his misdeed by paying an atonement. Then again, if the father finds himself dealing with an urgent and critical situation tightly related to protecting his child against the greatest dangers which might entrap the latter, and he feels unable to treat the situation but through severe and violent beating; only in this particular case, a father is allowed to hit his child. Still, a father must be very precise and delicate in assessing the situation in hand; he must be very careful in evaluating the level of danger that allows him to take an exceptional action, so that he would not be committing a wrongdoing, while all he wants is to make what is wrong right, or fall prey of unlawfulness while all he is aiming to is righteousness.

Q: Can a man forbid his wife from hitting children, claiming that she would not actually be doing them any good by doing so?

A: If a woman wants to hit her child to discipline him, she is in need of her husband's or the legal guardian's authorization. In any other case, hitting a child is forbidden for both men and women.

Q: Another question imposes itself in this respect: are teachers or school administrations allowed to hit students in order to educate them?

A: If the authorization of fathers or legal guardians includes hitting, considering that they know that it is

sometimes unavoidable, teachers can do it, after exhausting all the other peaceful means. So, if teachers see that the situation necessitates hitting, they can do it, but they still have to observe the legal limits for such deed.

Parent's stands vs. children's freedom

Q: Can grown-up girls elope with the person they want to marry, if their parents refuse to allow such marriage?

A: Even though some Fatwas establish no connection between the marriage of a girl and her father's authorization, we do not prefer that girls get married without the consent of their parents, in particular their father's approval, especially in our eastern societies. Actually, this kind of marriages affects the girl's life, as well as the future of her marriage forever, and frequently leads to numerous family and marital problems. In consequence, instead of being a way to acquire psychological, physical and social stability, the marriage turns into an element of instability and insecurity.

Nevertheless, if parents treated their girl oppressively and refused to let her marry the person she sees as a suitable match or partner, either because they want her to stay at their service forever, or because they want to wed her to another person who fulfills their own requirements, measures and, sometimes, narrow-

minded standards and ideas, such as some societies' arranged marriages between cousins, and so on, and if parents acted upon their own convictions neglecting their girl's best interest forcing her to do something against her will and desire... if this girl and her future chosen husband found no way out of this closed family encirclement but to elope; in this particular case, they would be allowed to run off with each other in order to get married.

In this regard, we would like to advise parents to keep in mind, at all times, that the young man or the young woman living under their roof; those young children are not pieces of furniture or static items void of feelings and soul. Parents must always remember that their children are human beings who have desires and dreams, exactly as they, in their youth, had dreams and desires.

We ask fathers and mothers to recall the feeling that used to inhabit them under the pressure of their own fathers and mothers. We ask them to recall those feelings that boiled inside the young man who had certain dreams he wanted to achieve, and those feelings that boiled inside the young girl who had certain desires she wanted to fulfill. Parents must push their children toward achieving their wishes and ambitions in life so that they would live a life of tranquility, security and peace. As a matter of fact, it is not the father who wants to marry, and consequently, he is not the one who specifies the characteristics of his son's future wife according to his

preferences. In the same sense, it is not the mother who wants to get married, and consequently, she is not the one who defines the features of her daughter's potential husband in harmony with her own demands and dreams. Indeed, it is the young man or woman who is about to commit himself/herself to a person in marriage; thus, it is up to them to choose the marriage that fulfills their own wishes and dreams, because in the course of living their lives, they will find themselves obliged to tolerate the advantages, as well as the disadvantages of their decisions.

Therefore, the act of heavily pressuring one's child to accept this husband or that wife is inhuman and has nothing to do with mercy and compassion. Parents, in fact, have the right to be listened to and they have the right to tell their children what they think about and how they feel about the latter's decisions. But they must discuss their opinion with their children and try to convince them with what appears to them as the child's best interest. Once parents exhaust all their efforts and all the means of persuasion and fail to convince their child with their viewpoint, if the young man or woman refuses to change their mind and insists that the experience they are about to undertake is the one that is going to bring them happiness; in this case, parents must allow their children to embark on their experience after blessing their step and let them take full responsibility of the consequences of this step in the future. Furthermore,

parents must continue to observe their child's well-being even after the latter leaves them to set about new experiences on his own. In fact, the question is not about a game in which you score points or goals against your child, as he fails in his life projects. This is actually what happens with some fathers and mothers who say to their young girls and boys: "if you disobey us, we will disavow you denying any knowledge of, responsibility for, or association with you".

If our children are not convinced with the way we regard matters, we ought to let them carry out and embark on their own experiences, even if they would be unsuccessful in their try. And if their experience turns out to be a failure, then we must help them get out of it and move on with their lives, with as little losses as possible. This is what life is all about: We want to make fathers and mothers understand that children are neither part of them nor their extension, even if they were part of them in the beginning of their existence. Thus, parents must comprehend that their children enjoy their own humanity, thoughts and dreams and that they should not persecute them or treat them cruelly and unfairly, because of their humanity, thoughts and dreams.

Q: If I cannot stand living in my father's house because he commits lots of unlawful violations, do I have the right to leave and stay at the house of some relatives or friends who understand my situation?

A: We do not advise children, be they males or females, to leave their parent's house, if they see that deviation and transgressions are being carried out, because this would violate Allah's will in bearing them company kindly, which includes the unbeliever, the dissolute, and the deviating father or mother, for He says: **"But if they strive to make thee join in worship with Me things of which thou hast no knowledge, obey them not; yet bear them company in this life kindly"**. (31:15). If this Glorious Quranic Ayah speaks about polytheist parents; then, indeed, it also implies Muslim dissolute parents! Verily, Allah, the Most Exalted, wants children to stay beside their unbelieving, deviating and dissipated parents, to bear them company kindly, to show tolerance and mercy in dealing with them, to address Allah, the Most Exalted, with supplications and prayers so that He guides them towards the right path, and to work on guiding them.

Then again, if living with the unbelieving and deviating mother or father leads to the deviation of the daughter or the son because he/she would be affected by the internal family environment, from which they cannot escape or run away, and against which they cannot protect themselves in that they cannot preserve their religious commitment intact; in this case, they might be allowed to depart from that house. All the more so, in some very critical and serious cases, they might be bound to abandon their parents to places where they can

preserve their devotion and their religious fervor, away from any state of internal pressures and temptations that might lead them astray from the right path.

The discerning child

Q: How do you define the discerning child? And how should this child be legally regarded and treated?

A: The discerning child is the one who reaches a certain level of mental awareness and physical predisposition to open up to the sexual aspect of the human nature and personality, in the sense that he becomes affected by a particular look or touch or by living in an environment where the feminine element is present. In other words, the discerning boy would be best defined as the one whose sexual drive or libido brings itself to light. And when we speak about the rules governing the status of this child, we say that we have some positive rules related to him; for example: his acts of worship are considered accepted. He might also carry out some dealings independently. Scholars maintain that his worship of Allah through prayers, fast and pilgrimage are legal and valid. As for issues, such as touching and looking, they are allowed (according to these scholars) until the child reaches puberty, at which he starts to be held accountable. So, a boy is not liable, until he becomes sexually mature and, accordingly, he is allowed to look at a woman while she is unveiled, to shake hands with her...

Yet, some jurists argue that it would be legally best for the human being, even if he was still a child, to stay away from all forms of deviation and to avoid being exposed to aspects that arouse sexual desires. Furthermore, some jurists might claim that the issue is far more dangerous to a child than it is to somebody else with regard to the question of looking at or touching a woman, while she is unveiled, because this might lead to stirring his feelings in a complicated way that might negatively affect his life in the future. Actually, some jurists might be inspired by His saying: **"The children who have not attained knowledge of what is hidden of women"** (24:31) to assert that reservations and cautions must also be applied to small children, in these respects, if they became aware of sex; i.e. capable of detectingthe feminine sexual element in the relationship between a male and a female. And we do tend to support this kind of reservation, even though we did not issue a conclusive Fatwa regarding it.

Wives and household chores

Q: A widely held opinion says that managing a household (housekeeping, child-rearing, cooking... etc.) is a tacit condition in a marriage contract and that it is not true that men cannot demand from their wives except the rights to the private marital relationship. What do you think about that?

A: This is not a tacit condition that is legally binding on women as asserted by Sayyed Al-Khou'i - may Allah

shower him with His mercy, because the common sense says that a woman can take on the charge of managing her household tasks and affairs, if she willingly volunteered to do so. Indeed, when she takes on this responsibility, her job will not be governed by the same feeling of the binding obligation or commitment that regulates the relationship between an employee and his employer. On the contrary, by handling the affairs of her house, a woman would be expressing her devotion to her husband and that is why she serves him and takes care of his matters. Thus, the common sense says that a woman takes the role of a homemaker out of her loyalty and devotion to her husband and home, exactly as the husband carries out all the necessary, but non-obligatory external efforts and works, in order to sustain and take care of his home and family.

In fact, the contract of marriage does not bind women, from a legal point of view, to do housework, unless the two married people worked on including the execution of these works in the marriage contract under special terms and conditions, and unless there were conversations that discussed this particular point prior to the contract. Accordingly, if the marriage contract was based upon this condition through the mutual understanding of the two spouses or through people's implicit awareness of the case where the meaning of obligation is understood when the woman says "I give myself to you in marriage" or when the marriage

becomes effective as the guardian says "I give my authorizer to you in marriage..." it would be as if he is saying, "provided that she commits herself to carry out all the household chores that women fulfill in houses".

Verily, it might help us to consult the following Glorious Ayah which speaks about the father's obligation to pay the mother for breast-feeding her baby: "**And if they suckle your (offspring), give them their recompense: and take mutual counsel together, according to what is just and reasonable**" (65:06). On this basis, we find that marriage in Islam does not render suckling babies a tacit condition that legally binds women, because if it was so, women would not have had the right to refuse to suckle their newly born babies although the question of nursing a child falls historically, traditionally and naturally on the mother in all societies. Therefore, we say that breastfeeding a child does not represent a condition that all marriage contracts implicitly include, because when a woman nourishes her baby; she would not be acting driven by the contractual commitment that she had made; nay, her deed is rather motivated by a voluntary and human commitment.

Hitting partners

Q: Is a woman allowed to hit her husband back if he unjustly hits her? And in which cases can we say that husbands have the right to hit their wives?

A: Wives have the right to defend themselves against any attack, regardless of whether the attacker was the husband or a stranger, because the right to defend oneself is legally authorized and valid. Therefore, from a general Shariah perspective, if a husband hits his wife unjustly, the latter has the right to retaliate against him, even though we do not recommend such doing for the sake of preserving the marital life. Still, if the attack threatens the safety of the wife or endangers her life; she has, indeed, the right to react and strike back.

Moreover, a man is not allowed to hit his wife, unless she denied him his conjugal right to sexual intercourse, knowing that he is not allowed to do so except after exhausting all the other peaceful means, such as admonishing her, deserting her... etc. as in His saying: **"As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first), (Next), refuse to share their beds, (And last) beat them (lightly)"**. (04:34). Likewise, the traditions have mentioned that light beating is the kind of beating that does not cause bleeding nor fractures. It is not a violent and agonizing hitting; it is rather the kind of light hitting that only aims to deal with the case of defiance. And this method of physically treating a case of defiance should only be resorted to after exhausting all psychological, mental and intellectual means of handling the issue. In reality, there is a reason for this exception that allows a man to hit his wife; actually this exception has to do with the

most vital aspect of marriage, which is the right to satisfy the spouse's need, providing him with the sensual gratification or pleasure; the aspect that keeps the two spouses from deviation and going astray. When facing such kind of defiance, the husband cannot have recourse to the legitimate religious judge nor can he present his case to the courts of law, considering that courts cannot oblige women to respond to the atmosphere of intimacy that husbands are trying to create (sexual relationships) in this particular case, the husband (the claimer of the right) has to find a way to exercise his right.

Q: Do you not feel that there is a contradiction between the essence of the sexual activity and the act of beating, coercing... etc.?

A: Actually, there is a very important point in this question that we must take into consideration. It could be that the woman is abstaining from the sexual activity as a result of an illness, an intense difficulty, or an intolerable state of being; and in this case, she can refuse to comply with her husband's desires. Nonetheless, if she suffered from nothing at all and her refusal is only an attempt to apply pressure on her husband, while he is undergoing a severe state of sexual arousal; her unwillingness, in this case, to satisfy her husband's sexual cravings represents a betrayal of promises and vows, which in return will naturally lead to the deviation of the husband or to the destruction of the conjugal

house. That is why, indeed, the solution of hitting the wife proves to be the lesser evil.

In consequence, the wife that respects her values and shows deep and great understanding to her husband's needs, desires and wants can never lead her husband to a point where he finds no other way but to hit her. Such a woman knows very well how to manage her conjugal life to the extent that she can refuse to be engaged in a sexual relation with her husband if she wanted to; verily, she can realize that by approaching her spouse with love and kindness in a way that does not complicate his life or hers.

Hence, the question has nothing to do with the normal cases to be able to speak about the inconformity of the sexual desire in the light that it requires an intimate atmosphere that is mainly based on caressing and fondling, as well as spiritual, emotional and physical harmony and closeness. As for hitting, it represents an unusual, if not abnormal, case where you need to handle a very difficult situation, which might lead to the destruction of the marital life. And here arises a problem of conflict of interest: what shall a husband do? Should he divorce his wife giving rise to a new problem that inflicts bad consequences on the children, on her and on him as a husband? Should he search for the satisfaction of his desires outside the scope of his conjugal life breaking his commitment and jeopardizing the safety of

his conjugal house? Or should he repress his feelings and block his impulses and desires, which might cause him to feel frustrated and pressured which would also lead to negative and terrible results? Truthfully, resorting to hitting remains the best means to save one's marriage, after exhausting all other peaceful means, like admonition for example, that are mainly based on resolving the problem through intellectual and psychological approaches.

Responding to wives' desires

Q: Is the husband obliged to satisfy his wife's sexual desires, even if he did not feel like it?

A; The general widely spread Fatwa states that a man has to satisfy his wife's sexual cravings, only once every four months. However, on the basis of an obligatory precaution, some religious scholars issued a Fatwa which says that if the wife was afraid that she might commit an unlawful activity, her husband must content her needs and desires, based on the obligatory precautionary measure; all the more so, some people say that in such cases, he simply must comply with her.

However, we see that if he was capable, a man must satisfy his wife's desires in normal situations, even if he did not have the inclination or the desire for it, as we recall, in this respect, His saying: **"And women shall have rights similar to the rights against them, according to what**

is equitable". (02:228). The right to sexual relations with one's spouse applies to women as much as it applies to men, meaning that it is the right that husbands or wives are entitled to in any marriage. However, we found no one to agree with us on this opinion as a Fatwa.

Child trafficking

Q: In some countries, people sell their children for reasons of indigence and destitution. Are these "transactions" lawfully allowed, especially if those children were destined to work as servants? And if they were; do we regard the sold boy or girl as a slave; a property of the person he or she works for?

A: Such "transactions" are forbidden and null and void, because no parent has the right to dispose of his child according to his own interests, especially if the buyers were disbelievers who will raise the child as a disbeliever. In the same sense, parents have no power or authority to transfer their children to other people, even if the latter were Muslims. Verily, a free child cannot be sold because there is no such thing as a slave trade market for children. Some people speak about the question of legitimizing bondage in Islam, ignoring that bondage has its reasons. Actually, the human being has no right to sell his child or to sell himself because a free person remains free no matter what. That is why, indeed, a child remains free and should never be turned into a slave or a serf. Moreover, he would never become the child of those who

buy him and wish to adopt him, since adoption is not acceptable in Islam, for Allah says: **"Nor has He made your adopted sons your sons"**. (33:04).

Therefore, what we are facing here is an unlawful practice where the whole transaction of selling one's children is deemed invalid and where the price cashed in return is also deemed illicit. On the other hand, we might have some special cases where the mother or the father could not act as a parent or guardian to their child, meaning that they could not nurture, rear and look after him, and they found that some people eagerly wish to raise a certain child; if they found that those people can foster and take care of their child, while preserving his family name and religion; in this case, transferring the child to those people is permitted, but not under the title of trading the child. Parents might take some money, but not as the price of their child; they might do so as an act of enabling those people to raise their child.

Actually, giving away one's child can be deemed lawful, if it aims to save the child and get him out of the atmosphere of corruption and dissolution, and if there were no other wrongdoings or transgressions involved. Still, resorting to the method of selling the child here remains null and void, unless the great and noble cause of rescuing the child proves to be dependent on resorting to this method - even if it was nominal and not real.

Nevertheless, the child should not be deprived of his family name or freedom, i.e. he would not be enslaved or used.

The marriage bond

Q: Can a woman include in the marriage contract the condition of having the right to divorce herself? And will the contract be annulled if the husband breaks this condition or rejects it?

A: This condition can take one of two forms. First, claiming the right of breaking the marriage bond (divorce) is a void demand, because Allah, the Most Exalted, has made it the man's responsibility. As a matter of fact, this demand proves to be contradictory to the teachings of the Glorious Book, and thus it is null and void.

Nevertheless, other jurists have mentioned another formula for this particular issue; that is, the wife might actually be authorized by her husband to assume the act of divorcing; meaning that the husband empowers his wife for divorce, just as he might empower anybody else to instigate divorce and it is a valid authorization. Furthermore, if such authorization was stipulated as a condition, it becomes binding on the husband in the sense that he enjoys no power to revoke it. In this respect, once the conditions of this stipulation are fulfilled, the woman becomes entitled to initiate divorce, because it is

no more a question of the husband refusing or accepting; indeed, it is up to her to end the marriage. However, if we are dealing with a case of a revocable divorce, which is the common kind of divorce, the two spouses can reunite and the wife's right to divorce her husband ceases to be valid or effective, since it had been used up, unless the condition was clearly stipulated that it is a case of Khulu' divorce, provided that she pays him a certain amount of money.

Times of privacy

Q: What is meant by the times of privacy (when spouses meet each other in seclusion) mentioned in the Glorious Quran, and how should children behave during these times?

A: The Glorious Quran has mentioned the times during which a man meets his wife in private in the Arab oriental environment, considering that in this specific region, especially in the hot climates, it is known that people take naps in the afternoon and after the late-night prayer. Nevertheless, our issue here is that children should always ask for their parents' permission before they interrupt their privacy. So, it is a question of principle that children are supposed to ask for permission before they come to their parents presence, whether within or outside those specific times. This is not regulated by specific rules; indeed, it falls under the social and customary manners.

Elderly women

Q: "Such elderly women as are past the prospect of marriage - there is no blame on them if they lay aside their (outer) garments". (24: 60). Does this mean that elderly women are not obliged to wear veils?

A: This Ayah implies, as it seems - And Allah knows best - that old women are not obliged to abide by what is imposed on young women who are in the age of marriage. Apparently, and according to the generalization of this Ayah and our interpretation of other related texts, an elderly woman is allowed to display parts of her body she used to show such as her hair, her arm... etc.

Q: Is it lawful to shake hands with elderly women?

A: It is unlawful to shake hands with any strange woman, be she old or young, according to the evidences stated in this context and the tradition reporting one of the Imams of Ahl El-Beit (a.s.), when he was asked: "Can a man shake hands with a woman who is not from his Maharem?" He answered: *"No, except from behind clothes, and he is not allowed to squeeze her palm".*

Earnestness in temporary marriage

Q: When two people, wishing to conclude a contract with regard to a particular matter, disagree when evaluating or judging it, like when a person believing in

the lawfulness of the temporary marriage wants to marry a girl that does not believe in the authenticity of this kind of marriages, yet she does not care about that in order to get married, and the man is aware of this fact; do we consider this contract valid as far as the first party is concerned?

A: If by accepting or by affirmatively responding, the aim of the second party was the contract itself, the contract is regarded as valid, even if the behavior of the second party was set from carelessness and indifference to its unlawfulness [according to her opinion]. Indeed, the essence of the contract is intending to make a contract by the two parties; that is to say that both of them, the man and the woman, mean the commitment to each other as temporary or permanent spouses. If this meaning was really or seriously intended, then the contract is considered valid, even if one of the two parties did not believe in its lawfulness. In other words, if the belief in the unlawfulness of such contract led to flippancy in the contract or the relationship, the contract would be considered null and void. Nevertheless, if a person defies this judgment and decides to proceed with this marriage committing himself to it, the same way he would have done in normal cases, the contract would be considered valid to whoever believes in its lawfulness.

Then again, if we consider that the party, who does not believe in the legitimacy of this marriage, establishes the marriage with no intention of fulfilling the real

meaning of marriage, but he does so just to please the other party in order to reach what he wants from the illegitimate relationship lawfully; in this case, the contract would be considered illegal and void. Verily, the true contract is the one in which the two parties show seriousness and earnestness in their commitment to the contract, or else the relationship would be considered as adultery.

In other words, regarding this relationship as adultery or marriage could be defined by how earnest the contractual parties are in carrying out this act of marriage. If both or one of them lacked seriousness in concluding the contract, and if the question was only about pronouncing the adequate words without meaning them; then both the conditions of the contract and its legality are not fulfilled.

Polyandry

Q: Islam is accused of violating the principle of equality between men and women with regard to the subject of having several spouses, since men are granted this right while women are not. What do you think?

A: When we endeavor to organize various aspects of the human relations, we must examine the considerations and justifications of any law because laws are not only an incidental temperamental state allowing this and forbidding that; indeed, laws are connected to the real

life. Therefore, when we come to deal with the question of polygamy we find ourselves asking: why having multiple wives? The answer for that, above all, comes as we study the issue from the sexual aspect of the subject. Sexuality represents the vital, if not the primordial, aspect in conjugal relationships. Actually, men's sexual desires might not be gratified with only one woman and that is why we find that men, throughout history, have been involved in extramarital affairs... It is true that some people might be monogamous as concerns marriage; however, at the same time, they might be having multiple sexual relationships.

Based on this phenomenon, we notice that adultery had accompanied marital relationships throughout history. Even now, we see that the West and the Muslims who follow it and others who legalize the practice of being married to only one woman at a time are, legally or illegally, paving the way for extramarital illegitimate relationships. We even notice that some Western laws endow illegitimate relationships with some legal considerations that make them equal, if not superior, to legitimate ones. This means that having several partners in sexual relationships is imposed by the human being's reality throughout history.

On the other hand, men are aroused faster than women which, in many cases, makes their need for sex greater than that of women to the extent that one woman would not be able to satisfy their desires.

Hence, in order to deal with this critical situation - even if it does not constitute the majority of cases - a serious solution is needed to be found especially in cases where the husband needs stability in the multiple sexual relationships. This is the basis of having multiple wives; verily, it is to deal with this particular sexual situation.

Another point that has to be considered in this respect is wars. It is historically known that during wars men are more susceptible to injury and death than women, because men are the fuel of wars - and if some modern armies allow women to participate in wars, the latter would be small in number - which inevitably affects the balance between the percentage of men and women.

What should we do then with this vast number of women? Should we prevent them from having sexual relationships or should we push them towards deviation? In fact, this complicates the problem even more instead of resolving it. Therefore, a second or a third marriage, despite its disadvantages, represents the best solution in this regard.

Besides, sometimes the wife could be sterile and the husband, who is deeply in love with her, wants to have a child and still he refuses to abandon his wife; in this case too, a second marriage represents the best solution that satisfies the man's desire to have a child... in addition to other cases that might provide additional reasons for multiple marriages.

Some people might ask: why is it lawful to men and not to women to have multiple spouses? When we examine the question historically, we find that women have no history of having multiple partners, except when they work as prostitutes. Moreover, it is not a case of physical sexual need for her, as much as it is a circumstantial, economical one that drives her into this kind of work.

Thus, women are historically known as being monogamous in their relationships and not as having multiple spouses. It is even said that, in their nature, women prefer to have one relationship at a time instead of several because they like to possess their men and to be possessed by them from a certain perspective. Furthermore, women are known that they cannot but give themselves, as a whole, to only one man, and that they cannot divide themselves between two men.

In addition, women do not face the same previously mentioned problems justifying polygamy, because with regard to sexual needs, women's nature is different from that of men. In general, women are slower than men as to being sexually aroused and stimulated, and in most cases, one man proves to be sufficient to satisfy a woman's sexual needs - except in cases of perversion which are unusual. Most of the family problems usually rise from men's inability to make women reach orgasm and sexual gratification, considering her slow arousing and the lack of her sexual excitement in relation to his.

Besides, there is no need for having multiple husbands based on the assumption that men are larger in number than women, because this is not a wide universal reality, neither personally nor in exceptional cases, such as wars... etc. Another point should be taken into consideration in this respect: Islam sees the benefit of families in patriarchal systems, where the issue is related to the natural, as well as the social aspect. Verily, the family needs a person who watches over it and takes care of it, and men are more capable of handling the responsibility of a family than women. You could regard the issue from the physical perspective and say it is a question of who has the stronger muscles; indeed, it is not about that. It is rather about women's natural task of getting pregnant, breastfeeding... etc. Therefore, women cannot move around freely and they cannot undertake the responsibility of the family, but at the expense of their children.

Furthermore, the patriarchal family system is incompatible with the system of polyandry considering that it generally leads to the loss of one's origin and lineage. People still regard this question from this particular point of view, knowing that even the West adopts the patriarchal system, despite its support of equality between men and women in both rights and obligations. For this specific reason, a woman takes her husband's family name and not the reverse, and a child takes his father's name and not his mother's - except for

accidental and unusual cases - which means that the whole world is based on a patriarchal system necessitating that a child is affiliated with his father. Truly, this is not possible if polyandry was allowed, even if we impose lots of restrictions, limits and constraints, because no matter what we do, we cannot be sure that when a woman becomes pregnant with somebody's child, she would stop having relations with another; this is an unusual situation.

Equally important, running the house and its affairs differs between women and men, since the personality of the latter has lots of characteristics that protect the child as he feels weak and vulnerable. Therefore, we find that the men who had lived with their mothers are different from those who had lived with their fathers. For this reason, Islam has given children's custody - above the age of two - to the man and not the woman, despite some disadvantages that would be involved, since advantages are far more important in this context. The issue should take into account the distinguished characteristics of men which are related to his physique, as well as to his movement imposed by the elements of his personality. Actually, those characteristics help him in running the family affairs in a different manner from the woman, and it seems that the whole world, even the civilized and advanced world, acts on the basis that men's way in running the major affairs is better than that of women,

even where women are given the chance to prove themselves in the world of management.

Let us imagine a home where one woman lives with several men; how would it be like? Truthfully, it would not be in any way a home of peace, since men's characteristics in their relationship with women render polyandry a state of war and conflict between men. On the other hand, we see that the historical circumstances and the features of personality that have governed women's relationship with men do not turn the home into a battlefield, when the latter joins one man and several women. Of course, some complications and problems might arise as a result of having multiple wives; however, when the issue is about one woman and several men, problems might turn into a war that would destroy any home. Actually, that is what we notice when several men come to desire one particular woman; when provocations reach demarcation lines, so to speak, the issue turns into a state of war between the conflicting parties.

History mentions that at some unknown or vague stage, a maternal system existed. However, we do not know much about it, because nothing details its realistic movement in the relationships between men and women. Regardless of what this issue really was; definitely, it was just a simple phenomenon witnessed in a particular area

during one of history's gaps. Nonetheless, when we study history thoroughly, we find that the patriarchal system is the kind of system that did, and still, governs families in general.

Jurisprudence of Fashion

Q: Since fashion and the newest styles have become a controversial issue, what is the standard lawful outfit that can be authorized?

A: Islam does not complicate things, for styles are influenced by the social attitudes of the people in a certain age. It was believed that Muslims were required to wear a special costume so as to be identified and distinguished from the infidels who were dominant during the time of the advent of Islam. In this sense, when Imam Ali (a.s.) was asked to explain the Prophet's saying: *"Dye your gray hair and do not look like the Jews"*, whether it means that we have to dye our hair, he replied that this command was called for when Muslims were few, but as they increased in number, there was no need anymore for making them appear physically different from others. In addition, some jurists may have noticed that the Prophet's saying: *"Shave your moustaches, avoid your beards, and do not appear like the Jews"* is not a constant and permanent instruction, for it was legislated when there was a need for it, but since Muslims have increased in number, this need has been swept over. The matter of wearing a standard lawful uniform is dependent on people's choice, taste, and lifestyle.

Q: Some people are not convinced of the veil most

women wear and regard wearing a long gown (abaya) as a necessity, what is your opinion in this regard?

A: The veil has two objectives: covering the body in the presence of any stranger, and avoiding the use of all kinds of makeup or anything that might arouse temptations. Women are allowed to wear any kind of clothes, provided that these clothes protect them from being exposed to licentious looks. Therefore, we say that the long gown is not necessarily the Muslims' only costume, since there is no evidence of its absolute exclusivity. Gowns were worn in certain periods of time due to certain social, religious, and political circumstances. Any decent outfit that portrays women as humans and not as sexual objects is indeed a lawful dress.

A fashionable veil

Q: What do you say of some veiled women who attempt at making their veil conform to new fashions?

A: I think that this kind of veil has become a means of arousing temptations, instead of being a means of chastity, for it would make the veiled woman seem more interested in attracting men than in being pious. Consequently, the concept of the veil has been diverted from its sacred value to its exact opposite.

Eccentric clothes

Q: What is meant by eccentric clothes and why are they not lawful?

A: Eccentric clothes are the kinds of clothes that are socially regarded as unfamiliar, especially when both men and woman wear the clothes of the opposite sex. We all know that pants have become socially familiar to both sexes; however, there are certain private clothes restricted to women, and once they are worn by men, they become unacceptable, since they would disturb the social balance and distort the psychological and mental state of the individual. Needless to remind you of the saying: "Just as men are not allowed to wear women's clothes so are women".

The Islamic characteristics of the veil

Q: What are the Islamic characteristics of the woman's veil?

A: The veil can be defined with respect to the following terms:

Firstly, the veil means a whole cover to the body except the hands and the face, keeping in mind that other jurists deem it an obligatory precaution to cover them. However, I, along with some other jurists, believe that it is allowed to reveal them, in accordance with Allah's saying: **"Say to the believing women to turn their eyes away (from temptation) and to preserve their chastity, to cover their adornments except such as are normally displayed"**. (24:31). Thus, women are obliged to cover their bodies and to avoid whatever is transparent and revealing.

Secondly, the veil represents a rejection to adornment, for Allah says: **"Stay in your homes and do not display your finery as women used to do in the former days of Jahiliyya"**, (33:33), hinting that the veiled woman is not allowed to appear in makeup or whatever adorns her body. Besides, she should avoid wearing clothes that reveal her feminine beauty instead of showing her natural humanity. Indeed, the general convention regarding adornment is what adds in a significant way to the natural beauty of a woman and that the woman intentionally reveals to others. Therefore, the real conception of the veil urges women to appear as a decent and respected person in society. Islam calls upon women to avoid being a center of display, finery, and temptation; they are humans above all.

Furthermore, the veil of the sound is regarded as another type of veil for women. As a matter of fact, Islam does not prevent women from speaking with men, delivering speeches in front of them, cheering in general political and social occasions which call for openness, or shouting in situations which urge women to shout. However, Islam does not accept that women soften and tender their voices in a way that arouses temptations, for Allah says: **"Wives of the Prophet, you are not like other women, if you fear Allah, do not be too complaisant in your speech, lest the lecherous-hearted should be moved with desire"**. (33:32). Apparently, inclining in speech is an additional aspect of seduction; therefore, jurists confirm

that both tendering and softening voices in a way that would lead to seduction are not lawful.

The social veil

The social veil is another essential type of the Islamic veil, which should be seriously taken into consideration. Islam does not approve of man's and woman's solitude, due to its dangerous and negative consequences. Doubtlessly, such isolation might tempt both the man and the woman to carry out immoral deeds, and thus subjecting woman's chastity to compromise. As a matter of fact, Islam abhors and detests such isolation. Furthermore, Islam does not prohibit social relations between different sexes, provided that these relations lead to positive results rather than sinful deeds. We infer that a woman should veil herself from the inside. She, herself, should know her moral and legal limits which elevate her as a human and not as a female object.

The mental veil (barrier)

Indeed, both the man and the woman are in need of a mental veil, through which they could be preserved from any deviation. Therefore, the kind of films, movies and stories that arouse sexual temptations should be prohibited, for Islam abhors such means which lead to the destruction of the internal immunity. Needless to say that once the internal immunity is shaken, deviation becomes inevitable.

Changes in the meaning of the veil

The veiled woman should abstain from behaving and wearing anything that might contradict the spiritual meaning of the veil. For example, today's veiled woman is attempting at revealing, via the moving clothes and colors she wears, all her feminist beauty, just as any other unveiled woman. So, at a time Islam does not deny the woman's right to live the feelings of her femininity, it aims, at the same time, to elevate her moral status. Actually, Islam encourages the woman to live according to her moral and societal values.

Jurisprudence of Immigration

Q: What does Al-Ta'arrub (returning to Jahiliyya) after immigration mean?

A: Al-ta'arrub after immigration stands for the situation in which a true Muslim turns from a believer very well-acquainted with Islam's rules and teachings into a person who has no conception of Islam and diverges from its right path. The word "ta'arrub" derives from the word "al-a'rabi" mentioned in the Glorious Quran under its plural form "al-a'rab". This word actually denotes the people who are most fitted to be in ignorance of the commands of Allah. The Prophet (p.) was reported to have said in one of his well-known traditions: *"Do not convert into desert Arabs (ta'arrub) after immigration".*

In the story of Muhammad Bin Sanan, commenting on the opinions of Imam Abi Al-Hassan Ar-Rida (a.s.), the latter was reported to have said: *"Allah has forbidden Al-ta'arrub after immigration, for it involves renouncing religious faith and relinquishing the support of prophets and authentic religious authorities, let alone all what this might include from corruption to denying people's rights... Hence, if a person was fully experienced with and aware of faith, he will not be allowed to keep company with the people of ignorance, adopting their*

lifestyle and complying with their customs and code of conduct. He is not allowed to live with ignorant people and then express his fear for his faith; indeed, he will never know when his knowledge would abandon him and when he would find himself slipping into the world of ignorance, going with the flow without any limit".

In fact, this is what might happen when people emigrate to countries of unbelief where the numerous forms, habits, cultural and social deviations of the latter are widely spread, alongside the lack of any cultural and educational Islamic activity that protects the true Muslim, with his family and children, against the negative, deviating impacts that might lead to intellectual and behavioral aberration. Actually, we notice that some Muslims go to these countries carrying a profound commitment to their faith; however, they get caught up and cannot help but turn, in these countries, into debauched and deviant people. Therefore, emigration to such countries must be prohibited.

Q: What are the exclusions of the aforementioned ruling?

A: The exclusions can be summed up in the pressuring conditions that subject the human being to intolerable oppression and harsh sufferings, forcing him consequently to leave his country. Different reasons might push the human being to seek asylum in countries of unbelief. Firstly, he might not find refuge in Islamic

countries that grant him the chance of a decent living. Secondly, he might feel urged to pursue an Islamic interest such as the need to propagate the Islamic call in these countries or to preach and enlighten the Muslim residents there, under the aim of protecting them against aberration and deviation. Thirdly, there might be some economic and political interests imposing emigration to such countries with the absence of any fears or perils threatening one's beliefs and commitment to faith. Fourthly, the human being might have a strong immunity against deviation, where he knows that he is capable of protecting himself against any negative impacts that could harm his commitment to faith. Immigrants to these countries must exert every effort to fortify themselves by establishing Islamic centers, educational schools, social and sport clubs, and the like, in order to keep the true Islam alive in their culture and mode of behavior and to always remember His saying: **"O ye who believe! Save yourselves and your families from a Fire whose fuel is Men and Stones, over which are (appointed) angels stern (and) severe, who flinch not (from executing) the Commands they receive from Allah, but do (precisely) what they are commanded"** (66:06).

Q: Can we consider the pressures of material needs, as well as the need for official and administrative identity cards and other documents, as legitimate justifications for emigrating to or seeking refuge in another country?

A: If the said situation puts the person in a critical

position; he is allowed then to opt for alternative solutions.

Q: Is it legally permitted for Muslim women, who are immigrants to western countries, to comply with the official authorities' request to be photographed without wearing any veil or showing parts of the head?

A: They are allowed to do so, provided that they would be photographed by a woman. From the Shariah perspective, there is no problem, with regard to the said presumption, in submitting the photograph to the official authorities of that country prompted by the pressure of the realistic need for that.

Q: Is it lawful to disobey some of the host country's laws; laws that are in disagreement with our customs, traditions and Islamic values?

A: Yes, it is lawful, provided that disobedience is carried out in a way that is wise and flexible and does not inflict any damage or harm on the situation and reputation of Muslims in that country. Indeed, Muslims must keep their traditions, values, and legal binding dispositions everywhere, if this does not put them in critical and dangerous situations. In addition, Muslims must make sure to promote the reputation of Islam and its adherents in the eyes of others.

Q: Is there any particular religious position regarding the allocations accorded to refugees?

A: It is lawful to take and own them, since the refugee

is entitled to such treatment according to the laws of that country.

Q: What is the ruling regarding leathern industrial products - dealt with in western markets - taken from animals that were not slaughtered in accordance with the Shariah? Does the wet hand touching them become impure? And what should be done if one doubts the origin of these products?

A: If there is a possibility that the country from which these products are bought is known to embrace a group of Muslims handling the job of slaughtering, or there is the possibility that this country imports them from Islamic countries, and there is a possibility that the purchased leather is taken from an animal that has been duly slaughtered; in this case the product is deemed pure and praying in it is permissible. On the other hand, if the source of this product is known to be from animals that have not been slaughtered in accordance with the Shariah, it would be regarded as impure, the wet hand that touches it becomes consequently impure, and no prayer in it is allowed, because it originates from the dead meat that cannot be used in prayers.

Q: What is the ruling concerning consuming the food that might contain swine meat or fats; the kind of food that is prevalent in western markets?

A: If it is not known for sure that these goods include swine meat or fats or dead meat and it was never

conclusively proved; their consumption becomes permissible and they are deemed lawful.

Q: Am I allowed to work in a supermarket which sells wine in one of its sections, if no other job opportunities were available? And what if I had to work in this very section?

A: As long as one's own work does not involve selling what is unlawful, working in these stores situated in the countries of immigration is allowed, even if the stores themselves actually sell unlawful products. As for when one's job turns into selling unlawful products or offering them to people, the job becomes prohibited in principle. Nevertheless, if abstaining from performing this particular job puts the human being in a difficult situation where he might stay jobless, and he and his family would fall into destitution to the extent of degrading themselves by imploring others for their basic needs; in this case, it becomes permissible to accept this job based on His saying: **"And has imposed no difficulties on you in religion"**. (22:78).

Q: In a temporary marriage with a western woman, can we consider the woman's recitation of the contract's content without understanding its meaning enough for the validity of the contract? Is the mutual agreement without actually reciting the formula decided for the contract sufficient for its validity?

A: Whether permanent or temporary, any marriage is

not deemed lawful unless both parties, the man and the woman, express their willful intent to establish the act of marriage between them in the contract, regardless of whether the woman joined in marriage is a Muslim or from the People of the Book that does not require the verbalization of any special term. The marriage can be established with the utterance of any term indicating or suggesting its establishment in a clear and commonly understood manner, keeping in mind that the mutual agreement is never enough without a verbal form.

Q: Is it permissible to shake hands with a western woman in case of extreme embarrassment or in ordinary situations?

A: Shaking hands with any foreign (non-Mahram) woman is not allowed, in principle, except in extremely delicate and inconvenient situations. Moreover, the believer must be very precise in judging the delicacy of a certain situation so that he would not be driven by this permission to become lenient or negligent towards his religious commitment. For Allah said: **"Even though he were to put up his excuses"** (75:14-15).

Q: Some western countries' markets sell stolen goods and commodities; is it lawful for the Muslim refugee to buy these products while he is aware of such a fact?

A: No, it is not lawful. It is not allowed to purchase stolen property from a Muslim or an unbeliever. However, if the owner of this money is unknown; in

such case, the ruling of the unknown owner should be applied. Nonetheless, one should pay attention not to buy anything from thieves, even if the owner of their products is unknown, for this might encourage them to proceed with their stealing.

Q: What is the ruling regarding the encroachment upon public or private properties, such as stealing phones and robbing supermarkets, which are taking place in some of the western countries of immigration?

A: This is deemed unlawful, whether from the perspective of ethical standards or from the perspective that the encroachment on public properties represents a violation to the general order.

Q: Is there any unlawfulness in frequenting churches every now and then to learn about Christian rites and rituals?

A: It is allowed for the said purpose, if there were no other unlawful secondary considerations.

Jurisprudence of Minorities

Q: The jurisprudence of emigration is one of the biggest issues of our time, especially given the (gradual) increase in the number of Muslim emigrants to north-western Europe; Muslim minorities totaling more than ten million are now living in Western Europe. It has been noticed that the Shiite jurisprudence relating to the question of Islamic minorities is still in its infancy, while we find a big historical Sunni legacy in this respect. What are your Eminence's views on the basis of the Shiite jurisprudence regarding living under non-Muslim rule?

A: One of the peculiarities of Islam is that it demands the Muslim to live his Islam wherever he is; that is, whether living in an Islamic society or under an Islamic government, or in a non-Islamic society or under a non-Islamic government. Islam does not impose its laws on its followers under its state only, unlike the case of some Marxist intellectual and political doctrines that do not make the practice of Marxism obligatory on the Marxist [living] in a capitalist society, rather, he can be a capitalist in a capitalist society, on the basis that the Marxist theory has to be applied comprehensively and cannot be practiced by individuals here and there. By contrast, we find that Islam proceeds from the individual as a worshipper of Allah and His successor on earth, and

this goes on to form his mind, heart and life in himself and in his relationships with others.

In the light of this, the Muslim has to adhere to the Islamic teachings and rulings, even in infidel societies, and implement the Islamic rulings on himself and his family, except where Islamic exceptions apply, such as in cases of compulsion, harm or intense hardships; for Islam releases [the Muslim] from any Islamic ruling which the Muslim is forced to break, or which might cause harm or intense hardships, keeping in mind that these should be exceptional cases.

Islam obliges the Muslim to respect his contracts with others and his commitments to them. So, if he moved to a certain non-Muslim country and entered into a contract with it, be it implicit or explicit according to the visa, residency rules or the asylum law, he should then respect his contract and commitments in a way that does not contravene any particular Islamic ruling; for Islam does not allow anyone to agree to a contract or a condition that is prohibited, since the Hadith says: *"The believers have to abide by the conditions they have agreed on, except a condition that made a prohibition (haram) allowed (halal) and something allowed prohibited"*.

Therefore, the Muslim must live up to his promises and contracts. Although this might differ from the rulings of some jurisprudents, we have ruled that the property of every human being, be he a Muslim or a non-

Muslim, should be respected, as long as he is in a state of peace with Muslims, in the sense that he does not wrong them, or attempt to undermine their religious adherence, or drive them out of their country, or help to drive them out of their country... etc. We rule that the property of non-Muslims, their honor and person should be respected, and we do not rule that infidelity, in itself, should nullify this duty to respect the infidel, unless he has declared war on Muslims and taken up arms against them.

On this basis, we believe that Islam prohibits the Muslim from doing wrong to the financial or civil system, even if it belongs to the infidels. These are, perhaps, the general guidelines of the primary consideration. As for the secondary consideration, the Muslim must distance himself from the things that are allowed in the primary consideration, if they end up in giving a bad image about Islam, from the moral or civilized point of view, except if this negative view comes from the Muslims practicing Islam. We are actually referring to the allowed things which the Muslim may practice in his own country without causing offense, but when he practices them in another society that has a different outlook to life, then the secondary consideration will oblige him to distance himself from anything that may harm the Muslim's image in a way which might disgrace him.

We have noticed that some religious authorities ruled

that certain "Ashura" rituals, which are allowed in themselves, are forbidden in the West or other places, if they would lead to the disgracing of the Shiite school of thought or Islam.

This is an overall picture for the person who lives in an infidel society.

Q: Your Eminence, according to your saying, following more than one religious authority at the same time (Tab'eed) harms the efficiency of some rulings. For example, there is a mainstream ruling (hukm mash'hour) amongst the Shiites, which says that the properties of the infidels can be confiscated by Muslims; however, you prohibit this act. So, since some people might resort to Tab'eed so as to follow the former ruling, what could be done in this case, as your ruling would be overruled?

A: In such issues of high significance, we do not allow people to follow more than one religious authority.

Changing nationality and related issues

Q: Some Sunni jurists rule that it is allowed to acquire the Western nationality, unless it leads to [falling into] what is forbidden. In general, many people consider changing nationality as an act of getting any legal documents, such as a passport, residence permit and social security papers. However, other jurists regard this as a renunciation of Islam (riddah), since it may mean

joining the Christian faith and a Christian culture, what is your opinion about this?

A: This is one of the issues of a changing nature to which one cannot give either a negative or positive Islamic ruling, because the acquisition of the nationality of a non-Muslim country is not forbidden in itself, such as when the Muslim is living in a non-Muslim country. And if we know that certain countries which call themselves Islamic have laws which are non-Islamic, as we find in the issues of polygamy, civil marriage... etc., then the existence of such non-Islamic laws in that country does not change the fact that the Muslim must abide by the Islamic code. But acquiring the nationality of a given country by someone means that he is planting his roots in that country, so his offspring, in the future, will become citizens of that country, with all the negative and positive consequences embodied in this citizenship.

Therefore, man must study the matter whilst looking towards the future: might the nationality that he would acquire lead his children to going astray and deviating from [the path of] Islam in the future? Or would it have positive results if, in that country, there were Islamic "incubators", such as institutes, schools...etc. that could develop these children Islamically? Or might it enable us, as citizens speaking with (fellow) citizens of the country in which we dwell, to use our presence there to call to Islam; or to serve our political causes through our

presence, which can open up to our right to take a stance in any issue whatsoever?

Q: Your Eminence, are you pointing to participating in the political life, as well?

A: Actually, we are referring to any political, social, cultural, and media-related participation... etc. The matter in question has negative, as well as positive aspects, and differs from one country to another, since in some countries, we cannot expect notable results, due to the obstacles there. In France, for example, there are around four million Muslims who hold the French nationality; a fact which led some observers to say that Islam is the second religion in France. However, they are not allowed to practice any political freedom, and Muslims cannot hold any political offices. Therefore, we have to study the matter at both, the individual and the group level, so as to give a ruling, whether for or against.

Q: Whoever acquires a Western nationality must obey the particular laws of the country, such as serving in the army, residency and personal status law, whilst if he stays as a foreigner residing in the country, then he can follow the special international law, which is represented by his own country's laws regarding the above mentioned matters. Must those who are naturalized follow the laws of marriage, divorce, child custody, wife sustenance and inheritance as laid down by Western legislation?

A: It is forbidden for a Muslim to submit to any non-Islamic law voluntarily, especially if he is able to avoid it. So, if the state rules that men and women are entitled to the same amount of inheritance, and he can resolve the matter in a way that conforms to the Islamic law, since the woman in question is a Muslim, then there is no problem. But if he cannot do this, his naturalization may become a problem, unless there are Islamic interests that are more important.

Q: According to the Western law, any person can write a will specifying the way in which he would like his estate to be distributed; thus, he can arrange this distribution according to the Islamic code, so would he be able to force the Western state to execute the will of the deceased, whatever its instructions were?

A: If he is able to solve the matter by any means, then he is obliged to do so. We believe that these issues must be studied, from a jurisprudential point of view, in all its aspects, and that the advantages and disadvantages must be studied in each case individually, as well as in the broader humanistic terms.

Residence

Q: Regarding residence in Western countries, due to political crises or difficult economic circumstances in Muslim countries, do such reasons justify residing in an infidel land?

A: We have to study this matter in terms of the general framework, as well as at the individual level. As for the general framework, we do not object on large Islamic groups going to live in non-Muslim lands, if they can build up an Islamic position, by establishing mosques and Islamic clubs and centers that take care of the Muslims' religion and can guarantee proper Islamic upbringing for their children. With this in mind, we encourage emigration, because it brings about great benefits to Muslims.

We find that the Jews have been able to control the whole of the Western society, through their emigration and residence there, whilst retaining their Jewish identity as the fundamental element in their thinking and behavior. We believe that when the question of emigration benefits from Islamic planning, it can transform a big society into an Islamic one.

As for the matter at the individual level, this does not follow planning, but rather, it is related to the individual's own circumstances. The principal standpoint is that he should not travel to non-Muslim countries, in which his religion would be automatically weakened or where, because of certain circumstances, all his thoughts might turn to the materialistic aspect of life and away from the religious or moral aspect. If he tries to reside in a country lacking any Islamic activity, then it is forbidden for him to travel and reside there, since this is bound to weaken his religion.

The terms At-ta'arrub Ba'dal Hijrah (returning to Jahiliyyah after the emigration of the Prophet) apply in such a case, in which the Muslim drifts away from Islamic knowledge, and consequently from Islamic adherence. Allah, the most Exalted, says: **"O Believers, guard your selves and your family against a Fire fuelled with men and stones, under the charge of fierce and mighty angels who never disobey Allah's command.."**. (66:06). This Ayah implies that protecting one's self and one's family from going astray is a fundamental aspect of Islamic education and Islamic guidance.

Allegiance to non-Muslim rulers

Q: In the "Jurisprudence of Minorities", there are many [major] issues, one of which is allegiance to a non-Muslim ruler. What is the ruling of the Islamic law in this matter?

A: Allegiance has two meanings: the first is [one's] adherence to the legality of the allegiance and opening up to it emotionally as a person who is opposing Allah, the Most Exalted, and His Messenger (p.), in such a way that he does not regard this opposition as a negative element.

There is no doubt that this attitude is not Islamic, because we are not allowed to believe in the legal status of anyone who does not deserve that status, even if he is a Muslim; also, we must not hold love in our hearts for any person who opposes Allah and His Messenger (p.). Our

emotions in our relations with others must proceed from their stance towards Allah and His Messenger, be it negative or positive. We can perhaps confirm this understanding through Allah's words: **"You Shall find no believers in Allah and in the Last Day (Day of Judgment) who are on friendly terms with those who oppose Allah and His Apostle even though they be their fathers, sons, brothers, or their nearest kindred"**, (58:22), or: **"Allah does not forbid you respecting those who have not made war against you on account of (your) religion, and have not driven you forth from your homes, that you show them kindness and deal with them justly; surely Allah loves the doers of justice. But He forbids you to make friends with those who have fought against you on account of your religion and driven you from your homes or abetted others to drive you out; those who make friends with them are wrongdoers"**. (60:08-09).

Therefore, on this basis, the Muslim cannot be loyal to the infidel.

The second meaning of allegiance is that the Muslim would co-exist with the non-Muslim ruler, and adhere to his rule, as far as public order is concerned. There is no problem in that, since the Muslim is not allowed to commit any contravention to the order of any society, especially if he has entered into a contract with the authorities supervising that order.

Submitting to the laws of non-Islamic governments

Q: Another [major] issue is submitting to the laws of non-Islamic governments: How should the Muslim refugees deal with these laws?

A: There are two types of laws that are contradictory to a clear Islamic ruling, meaning that the person is supposed to follow laws in areas where Islam prohibits dealing with anything related to them, whilst others rank among the allowed. If the laws fall within the prohibited, then the Muslim is not allowed to implement them, unless in doing so, he would be subject to unbearable harm, which would constitute a case of compulsion.

But if these laws are part of the allowed matters that are not forbidden by Islam, then it is necessary for the Muslim to abide by them, according to the contract which he has concluded with the host country, in his visa or permission to stay or grant of asylum.

Q: Your Fatwa that prohibits evading and disobeying the law has a broad positive effect, even on Westerners who think that we have a certain understanding of the law that is conventional...

A: The Muslim must abide by the rules of public order in any society that he dwells in, first from the contractual aspect, and second due to secondary considerations, so as to give Islam the civilized image that would encourage people to embrace it.

Relying on a non-Islamic judiciary

Q: And what about resorting to non-Islamic judiciaries in disputes?

A: The principle standpoint is that the Muslim is not allowed to rely on any judge who does not rule according to the laws of Allah. However, if attaining his legal rights cannot be achieved unless he resorts to a non-Islamic judge, then a Muslim is allowed to do so; this is the prevailing reality in the West nowadays, especially if the dispute is with a non-Muslim, so we can implement the following legislative principle: "Make them abide by what they have made obligatory on themselves".

Working in non-Muslim governments

Q: Do religious authorities allow working in the governments of non-Muslim rulers?

A: This is allowed, so long as it is related to the higher Islamic interests of the Muslims living there, or to the big Islamic issues. There is no problem with Muslims getting employed in departments of non-Muslim governments, whether in scientific, administrative, industrial, agricultural or other fields, as long as this field does not harm the general Islamic situation in the relationship between that state and Muslims, and provided that it does not disregard the individual Islamic rulings concerning forbidden practices.

Q: If the job was in the security services (the police), and the Muslim officer had to prevent asylum seekers from entering the country, what would the ruling be in this case?

A: This matter has to be studied in terms of its qualitative interest, since it is not allowed for a person to be employed in a job in which he feels that he is inflicting injustice through his job upon others, even in the governments of Muslim societies. But if we assume that the Muslims are a big community (in a given country) and that their abstention from security and administrative jobs would harm the strength of their presence, then this does not constitute a problem from the Islamic point of view. In fact, we have ruled for some people who hold Western nationalities that if they find that the interest of Islam, regarding Islamic issues, lies in voting for one nominee in favor of another, as in a case where this nominee supports Islamic issues and stands against Zionism and the enemies of Islam, or perhaps he can take better care of the Muslims than the other, then we allow their participation.

We may summarize this in terms of the existence of an Islamic interest for the Islamic community which resides there, or the big Islamic issues that are affected by electing this or that nominee or by gaining some control or say in that society to a level in which they can have a positive influence regarding the Muslims' interests in decision-making, where Muslims should work to acquire

advanced [important] positions, if the latter might lead to supporting Islamic issues actively, or protecting them from harm, or strengthening the Muslims residing in that country.

Q: Does this apply to the army, which is under the command of a Western state, and which may serve in the UNIFIL forces in Lebanon?

A: The principle standpoint is that it is forbidden to join an army that may oppress peoples or inflict harm upon Islam, unless there is an overriding Islamic interest.

Q: Is it necessary to obtain a special permission?

A: One should turn to the people who have experience in general Islamic interests.

The relationship with non-Muslims

Q: Regarding non-Muslims, do you find that what should be applied to them is the principle of compulsion: "Make them abide by what they have made obligatory on themselves"?

A: "Compulsion" means imposing the rulings that are not part of our religion. It represents one's relationship with others who belong to a different religion or school of thought, for it is narrated that: *"It is allowable for the people of every religion to follow what they abide by (as the religion between them and God)".*

For example, we consider the marriage of Christians, Jews or even secular people a legal marriage, even if it

differs in detail from the bases of our marriage. Therefore, we find that it is not allowed for the Muslim to marry a married Christian, Jewish or secular woman, if she adheres to Christianity, Judaism or secularism as a code of thinking and conduct.

Q: On the issue of co-existing with non-Muslims, we notice that many host countries cooperate, and perhaps even conspire, with the Zionist enemy, how should we deal with these countries?

A: We should fight those who fight us, and live in peace with those who live in peace with us, for Allah says: **"Allah does not forbid you to be kind and just to those who have neither fought against you on account of your religion nor driven you from your homes; Allah loves the just"**. (60:08). This Ayah emphasizes that we have to treat them well, show favor to them, be just to them by acknowledging their rights and not impinging on their legal or human rights. We are not in the position of waging wars. Perhaps, in the beginning of the Message, circumstances forced the spread of Islam in the world and obliged Muslims to embark boldly upon the task of calling people to Allah, and if anyone stood against it, Islam defended its freedom. We do not agree with those who claim that Islam proceeded to force itself upon others as a religion. Yes, perhaps at certain stages, it needed to enforce the authority of Islam, exactly as in the actual situation where we see all the states in the world striving to enforce their influence, either by acceptable or

unacceptable means. However, we find that in the light of the present circumstances of the call to Islam, peace has now become stronger than violence in bringing people to Islam and its dynamic movement in the world.

Therefore, we want to be friends with the world; this is what we can extract from His saying: **"Nor can goodness and Evil be equal. Repel (Evil) with what is better: Then will he between whom and thee was hatred become as it were thy friend and intimate"**. (41:34). We understand from this that Islam guides Muslims to transform their enemies into friends, provided that they do not deviate from the Islamic path.

This is also referred to in the following Ayah: **"Say; 'O people of the book, let us come to a common word (agreement) between us and you, that we worship none but Allah, that we will associate none with Him and none of us shall set up mortals as deities besides Allah'; if they refuse, say: 'Bear witness that we have surrendered ourselves to Allah.'"** (03:64). The Quran concentrates on the 'common word' or 'agreement'; there is no clear indication to the People of the Book here, and we can widen this to include every group in the world with whom we agree on political, cultural or social positions.

We would like our relations with the world to be based on openness and cooperation, and not rejection and hatred.

One of the important aspects in Islamic education is

the necessity to maintain a separation between one's sect and that of others in questions of belief, so as to protect the health and purity of the belief in oneself, without letting this harm his co-existing relations with others. It can be said that many people in the world live in such an atmosphere; in fact, it is natural that one feels a kind of separation between him and any person whom he differs with, even in political and social matters.

We can, perhaps, conclude from this that we have to live with others on the basis of the general Islamic values which the Quran expresses in Allah's saying: **"And speak kindly to the people"**, (02:83), and in the narration of Imam As-Sadiq (a.s.): *"Be callers without (using) your tongues, so that they see from you truth, good (deeds) and piety, for this is a caller"*. Also, we can conclude from this that one's psychological state that proceeds from indulging in his thoughts should not negatively affect the way he treats others. The general humanistic values of Islam require that one live within the moral code that rules his relationship with the others.

Code of conduct in dealing with western institutions

Q: Some view the western institutions as a sort of prey or source of booty from which they can profit to the maximum, even if by resorting to dishonorable methods such as fraud, forgery and lying, and some even believe that it is allowed to steal the property of the infidels. How can we draw a positive image of the relationship between

the Muslim emigrant and the institutions that offer him confidence and respect and accept what he says? This is seen to reflect badly on all Muslims and not just on the Muslim who violated the law.

A: Through our study of Islamic morals, we find that they do not suggest that truthfulness is restricted to a Muslim and that lying is permissible with the non-Muslim, or that lying to the non-Muslim becomes allowed and telling the truth only to fellow Muslims is obligatory, for the matter does not have to do with the relations with others; but rather, with the act of lying itself.

This is also the case as far as trustworthiness is concerned, for it is narrated that: *"Give back the property that you were entrusted with to whoever entrusted you with it, even to the killer of the sons of the prophets!"* Imam Zein Al-Abideen (a.s.) said: *"If the person who hit Ali with the sword entrusted me with the sword with which he had hit Ali, and I accepted that, I would surely return it to him!"* It was also narrated: *"He who has no religion (religious adherence) cannot be trusted, even if he fasts and prays"*.

Therefore, Islamic morals represent the Islamic values which proceed from the Muslim, whether these morals are related to his individual state or to his relationship with others, for Islam demands the Muslim to respect others, except in the event of war because war has certain

moral considerations in all religions and civilizations. A man will remain as a fellow human being in terms of people's relationship with him and their respect for him, unless he impinges on their humanity, for Allah says: **"Attack him as he attacks you; have fear of Allah, and know that Allah is with the God-fearing"**. (02:194).

Thus, we reject any immoral deed committed against peaceful non-Muslims, in accordance with His saying: **"Allah does not forbid you to be kind and just to those who have neither fought against you on account of your religion nor driven you from your homes; Allah loves the just"**. (60:08). Justice demands that you grant the right to anyone entitled to it, be he Muslim or non-Muslim; hence, you cannot deny a non-Muslim his rights with regard to you, or deny him the rights that you enjoy; so you cannot steal his property, disregard the covenant between you and him, or harm him in any way.

Regarding the issue of peaceful co-existence, we understand from the Holy Quran that one should treat, peacefully, everyone who treats him likewise, and several Quranic Ayahs emphasize this point: **"And if they incline to peace, make peace with them, and put your trust in Allah; it is surely He who is All-Hearing, All-Knowing"**. (08:61). As far as property is concerned, Allah condemned [some of] the People of the Book of the Jews when He said: **"And among the followers of the Book there are some such that if you entrust one (of them) with a heap of wealth, he shall pay it back to you; and among them**

there are some such that if you entrust one (of them) with a dinar (currency) he shall not pay it back to you except so long as you remain firm in demanding it; this is because they say: There is not upon us in the matter of the unlearned people any way (to reproach); and they tell a lie against Allah while they know". (03:75). The Quran condemned them [the Jewish], since they believe that they have no responsibility or obligation towards non-Jewish people.

Therefore, if the Muslim applies such a notion to his relations with non-Muslims, then he would become the same as the Jews, and consequently, he will be subject to the condemnation of Allah, the Most High. Therefore, we say to all Muslims that they must respect the property, blood and honor of people and all that is related to them, on the basis of the Muslims' Islamic obligations, which prohibit them from not doing so, through their responsibility to show Islam to others in its best light, both in practice and behavior. We notice how Imam Ja'afar As-Sadiq (a.s) advised his followers regarding non-Shiite Muslims, when he said: "Visit their sick, attend their funerals and pray in their congregation so that they say: *O Allah! Give mercy to Ja'afar Bin Muhammad, for he has taught good morals to his followers; behave well to provide a good image of us, and do not behave badly and (so) damage our image"*.

This Hadith indicates that a person must spread a good impression of the sacred entity (i.e. the Imam) that

he follows, be it in the religious circle to which he belongs or the followers of other religions, to the extent that we have found that even the scholars who rule that the properties of non-Muslims are not to be respected were actually preventing their followers in the Western societies from committing wrongdoings, as far as the property or honor of people were concerned, since that would lead to the dishonoring of Muslims and Islam itself.

Those who study the rulings of some religious authorities or scholars will find out that they have deemed it forbidden at the secondary level of consideration, since this would lead to dishonor from a qualitative point of view. And should some say: "I steal and no one would know about it" or "I defraud in insurance claims without the knowledge of others", we say to them that the matter is related to the qualitative aspect, i.e. that the deed, by its very nature and not the person, would lead to dishonor. Naturally, he would say that his deed would not lead to such consequences, but this is how the catastrophe occurs!

Relations with Christian institutions

Q: There are projects for rapprochement and open dialogue between religions, and opportunities may arise to clarify Islamic issues and rulings or to counter negative skeptical questions about the revelation and the Messenger (p.). Should we agree from the outset on

the people who might be involved and the issues to be discussed, for fear of getting lured (in error), or should we leave these matters open?

A: Actually, the principle is to respond positively to their invitation, especially if it is to conduct a dialogue and hold intellectual and humanistic discussions, which one can use to clarify or defend an idea or solve a problem or provide the understanding, or to find some kind of psychological rapprochement which may help, in the future, to attract others to Islam, even if only to coexist peacefully with it.

We find that the Western people tend to have a mentality with which they weigh matters on the basis of rationality and objectivity under normal circumstances, provided that there are no conditions that negatively affect the purity of their soul, such as political or local influences that create complexes in the person, especially in the light of the fierce campaign run by the media against Islam.

We believe that we have to proceed with dialogue, especially when it comes to conducting intellectual dialogue with the Christians, Jews, Buddhists and atheists... etc. to proceed in a missionary propagation campaign among the people with whom we live so as to attract them to Islam, in terms of values, morals, intellect and behavior, and to encourage them to embrace Islam. We believe that this is not a difficult task for someone

who has a wide knowledge in Islam and keen awareness of the reality in which he lives to persuade others to embrace Islam, since Islam is more reason-based and more reality-based than the other religions in terms of the proofs and concepts it presents.

So, the principal standpoint is that one should respond positively to every invitation to dialogue and every opportunity to call people to Allah, provided that one is capable of conducting the dialogue on a high cultural level. Otherwise, if someone lacks such capability, he might harm Islam through his ignorance, backwardness and misguided understanding of Islam.

Naturally, this applies only to favorable environments. Some invitations to dialogue might proceed from a sly political game simply in order to create a dilemma for Muslims, as we see in the invitation to a Jewish-Islamic dialogue which conceals an effort to propagandize for the Zionist entity (Israel). Some invitations to dialogue between the three religions might call for suspicion, and therefore one has to investigate this. We have no objection on dialogue with the Jews as Jews from the religious viewpoint; however, the truth is that we fear that behind such invitations lie political agendas, which aim to make Muslims normalize their relations with the Zionist entity itself.

Q: Sometimes, the invitation to dialogue is due to the distorted image of Islam in the minds of the Christians;

therefore, a meeting with a Christian group might offer the chance to rectify this image.

A: We mean by the obligation to respond to the invitation to dialogue that it applies to all cases, whether with religious scholars or intellectuals, as this is one of the forms of the call to Islam, in which wisdom and kindly guidance, advice and reasoning can be displayed in the most courteous manner.

Joining political parties

Q: In some of your speeches addressed to refugees, you said that Muslim political refugees are allowed to join Western political parties, provided that they enroll in an Islamic movement that can plan on their behalf. Is this condition obligatory or a question of advice or preference?

A: It is an obligatory condition in general, simply because when a person is on his own and joins a non-Islamic party, he may dissolve in that atmosphere and get overwhelmed by the current. From the fundamental Islamic jurisprudential angle, he is not allowed to join any non-Islamic party or group, especially if this party or group adheres to certain political lines that may go against Islam if it [the party or group] falls under the influence of a certain international axis which clashes with Muslims on some issues.

But, if he has joined an Islamic movement that plans

for him, takes care of him and supervises his existence and conduct, then his presence in that group or party would be subject to the Islamic movement's planning; something which would make it [his party status] positive for the Islamic interest.

Q: We know that political parties are, generally, the only route to the parliament in Western countries, and there are Muslim members in some of these parliaments. We also know that members of parliament influence decision making, especially decisions relating to the issues and problems of Muslims or the Muslim World. What should be done in order to put a number of Muslim representatives unto Western parliaments so as to form a "lobby" or Islamic pressure group as other communities have?

A: We cannot talk about this in any detail, because the matter differs from one country to another and between one circumstance and another; even the Muslims who are selected to get into this party or that group may differ as well. Whatever the case is, there must be persons who have experience in Islamic, international and local politics to set plans on how Muslims should enter into this party or the other to form an Islamic "lobby" in the general political arena.

This matter requires conducting a full study, including a political one that takes into consideration the dynamic movement. In the meantime, we lay emphasis on the

necessity of establishing an Islamic "lobby" in any Western place of emigration, so that it would enable us to support any Islamic issues and the Islamic presence in that country, by virtue of this political influence on the reality.

Q: Do we also need to formulate a conscious Islamic political culture for the emigrant masses, so that they would foster this idea and practice it?

A: The dynamic Islamic groups present abroad, whether political, scholarly or cultural, have to educate Muslims on a reality-based Islamic culture, for the problem facing many Islamic cultural groups is that they talk about absolutes, and when it comes to talking about values, they do so in an abstract way and away from reality.

We have to implant in the awareness of Muslims the concept of competition between interests [advantages] and evils [disadvantages] (bab at-tazahum bayna al-masalih wal mafasid) and that we have to work for the sake of making Islam a force in any place in which it can gain that force. Moreover, we have to work hard so as to put Muslims in a position of power, be it at the position they are already in or in defending their issues.

When we educate Muslims on a reality-based culture, they would feel that one has to offer concessions regarding some values in exchange for other more important values, for we know that every general rule

or situation has exceptions based on certain special conditions.

Leniency over doing what is prohibited

Q: Some people adopt a lenient attitude towards eating forbidden food, especially in the period that precedes obtaining the refugee status, due to the fact that they are unable to stay on vegetarian food for several months. What do you say about that?

A: It is not permitted to eat forbidden food, except in compelling cases, keeping in mind that "compelling" only applies to cases where a person fears for his life or health, and even then he is only entitled to eat a minimum amount [of the forbidden food] that is sufficient to relieve him, just as when eating the meat of a dead animal. So, he is not allowed to do so; however, Allah, the Most Exalted, has made an exception for it in His saying: **"But whoever is compelled through necessity intending neither to sin nor to transgress, shall incur no guilt"**. (02:173). And 'compelling', in this regard, refers to the fact that if he does not eat, he will die or incur serious harm to his health.

Q: Some of us put themselves under suspicion, by putting themselves in positions where they might be accused of doing forbidden acts.

A: It is recommended for a person to not put himself in such places, knowing that whoever exposes himself to

such accusations should not blame others for thinking badly of him. The matter may even reach the level of forbiddance, if it leads to the dishonoring of the believer, since the believer is not allowed to dishonor himself, just as he is not allowed to dishonor others.

Q: In this case, what is the ruling of working in certain jobs at companies that manufacture forbidden products, such as liquor, pork, chemical weapons... etc.?

A: It is not allowed to work in companies whose products consist of liquor or chemical weapons. As for the issue of working at companies that produce canned pork, we deem it acceptable, since these products might be sold to those who deem them allowed, although it is preferred to avoid working in such jobs.

Q: And what about working in Western banks that operate in accordance with the system of interest?

A: If the job of the Muslim is directly related to dealing with interest operations, or preparing the ground for it, then this is not allowed; otherwise, it is allowed.

Opening up to non-Muslims

Q: We may establish positive relations with some people, while living in Western societies by exchanging congratulations, letters, invitations... etc. in a way that might open a door for dialogue about Islam and our countries. What is your opinion about this kind of exchange?

A: We emphasize that any Muslim who has the ability to safeguard himself against the influence of non-Muslims along with the ability to influence them has to actively engage with non-Muslims, so as to give them the real and true moral image of Islam, and the vibrant image of the Islamic line, intellect, customs and traditions.

We know that the first Muslim society had emphasized this exchange, for although the Muslims lived different lives from those of the Jews and others, they actually coexisted with them and experienced no problems. Actually, the Prophet (p.) emphasized, in a legal document, the issue of co-existence and the covenant with the others in a way that guaranteed the rights of a pluralistic Muslim society.

Q: Some may adhere to rulings that are somehow odd, such as: "It is not allowed to initiate a greeting to a non-Muslim". To what extent is this correct?

A: One may find in the rulings some elements which indicate that the matter is related to the fact that the greeting word "as-salam", meaning peace, indicates the complete openness between the Muslim and the other party, in the sense that he would actually be in a state of "peace" with him in both mind and heart.

However, when one is living with others who do not believe in "peace" with Islam, then this might complicate the issue, for the Muslim would actually be opposing

their thinking; something which would create a detachment between him and them. Therefore, at the very least, a state of opposition will be formed between his mind, heart and behavior, on the one hand and theirs, on the other hand. This might be a peculiarity of the term "as-salam", for we comprehend from several traditions that, in the past, the infidels used to greet the Muslims by saying: "As-sam alaykum", meaning, death be upon you, instead of "As-Salam alaykum", meaning peace be upon you, just as what happened when a Jew greeted the Prophet (p.) by "As-sam alaykum", thinking that he would not notice how he played on the words. But the Prophet (p.) answered him: "wa 'alaykum" (and upon you). Aisha, the Prophet's wife, who was sitting beside him (p.), rebuked the Jew and spoke with him harshly, but the Prophet (p.) told her: "O Aisha! If the obscene words had been personalized it would have been an example of bad behavior; gentleness cannot be put onto something without making it nicer and cannot be taken away from something without making it worse; and surely Allah is gentle and loves gentleness, and gives for gentleness what He does not give for violence". It was also narrated that he said that he had answered the Jew's greeting with a similar one and the matter ended at that point, so what would be the need for adding cruelty?

The matter of forbidding initiating a greeting with infidels can be related to some circumstances in which the Muslims were, then, living with non-Muslims, but the

scholars ruled in an absolute manner on the basis of some narrations that forbid initiating a greeting with infidels. However, if this ruling is confirmed in its legal dimensions through the narration, then this is so at the primary consideration. As for the secondary consideration, when the best interests of the Muslims in a non-Muslim society are served by reasoning and talking with them in the most courteous manner and with good speech, the greeting question arises, especially by saying the greeting word through which the Muslim implies his adherence to the Islamic greeting, as a matter of choice. Actually, this links the matter to the characteristics of the Islamic personality that distinguishes a Muslim, in the sense that he would not substitute his way of greeting with non-Muslim equivalents.

Greeting does not constitute a problem, from the Islamic perspective, especially if the Muslim is communicating with those who do not know the Arabic language, so he would greet them with the prevalent greeting in the society, or with the common greetings in our society in the morning and evening.

This matter relates to the term "as-salam" (peace) and not the act of greeting itself, for Allah, the Most High, wants us to greet others in the most courteous manner: **"And say to my servants that they should only say those things that are best"**, (17:53), which does not pinpoint contacting Muslims only, but rather all people. This also applies to all the Ayahs which show that it is obligatory

to return the greeting in the same way: **"When a greeting is offered to you, meet it with a greeting still more courteous or (at least) of equal courtesy; Allah surely takes account of all things"**. (04:86). This implies that Islam wants the Muslim to be a person who opens up to others in a way that appeals to their hearts, changes their feelings and makes them open up to him in return.

Jurisprudence of Press

Q: Is the fabrication of news allowed, though such news would not be based on factual events, under the aim of undermining the enemy?

A: This is not lawful due to the absolute illegality of telling lies, unless there is a binding Islamic interest, which might lead to the victory of Muslims over the enemy, by psychologically weakening, confusing and defeating it.

Q: In reference to the previous question, should the fabrication of news be allowed if Islam is not subjected to any consequent disadvantage?

A: The sole reason of the absence of a disadvantage does not justify the fabrication of false news, but there should be a binding interest that is far more important than the expected disadvantage of telling lies. Only in such a case this interest is given priority in the circle of preferable competition of interests(1).

(1) At-Tazahum; It is the state in which a choice has to be made between more important interests and less important disadvantages or between two interests, as when someone tells a lie to save himself from an oppressor. Here, illegal lying competes with the obligation of saving oneself, and survival is given priority, because it is far more important than the disadvantage of lying.

Q: Is it allowed to make additions to the true news under the aim of making it more persuasive?

A: It is lawful, if the addition is not excessive and it is rather a kind of rhetorical expansion of style and atmosphere, whose suggestions are not far from reality; otherwise, it is not lawful, because it would comply with the juristic reasoning that prohibits telling lies.

Q: Is it lawful to publish news of despairing characteristics, which might drive the readers to fall in despair?

A: In principle, it is not lawful, because this might lead to a kind of psychological defeat and weakness in the line of confrontation, and consequently the downfall of the nation in the field of challenges.

Q: Is it lawful to publish the pictures of unveiled Muslim women in Islamic newspapers? What are the legal limitations of publishing pictures of non-Muslim women?

A: It is lawful, provided that it does not encourage Muslim women to follow this trend - being unveiled. As for the limitations for publishing the pictures of non-Muslim women, they should not include indecency or obscenity.

Q: Is it lawful for Muslim newspapers to publish news without taking the permission of those whom the news expose and without their consent?

A: If such news are among the secrets hidden by their

owner, it is not lawful to uncover any of them without the owner's permission; if it is not a secret, then taking the permission of the party concerned is not a must, unless it would lead to materialistic or moral damage.

Q: Is it lawful to exaggerate figures and statistics about the position and losses of the enemy?

A: This is lawful if the situation in the battlefield necessitates so, so as to heighten the spirits of Muslims. However, it must be taken into consideration that exaggeration might magnify the level of triumph, and consequently the freedom fighters (Mujahideen) would relax and lack sufficient readiness to confront the enemy, being taken by its vulnerability.

Q: Is it lawful to magnify the activities of the Islamic movement or the Islamic opposition? If yes, what are the limits of this exaggeration?

A: In principle, this is not lawful depending on the degree of lying involved, unless there are some exceptions that promote the supreme interest of Islam. If allowed, this must be done in a way that does not drive Muslims to magnify their role, whereby, they would be affected both psychologically and practically. Besides, this may have a negative impact on the way people view the Islamic movement when they make a comparison between reality and the image presented in the media, thus leading the Islamic media to lose its credibility.

Q: Your Eminence, how do you assess the "journalistic

swearwords'' or the marginal wars that use the media as a field for informational battles?

A: In principle, using swearwords is rejected by Islam, for it may cause more harm than benefit to the media outlets, whose status may be degraded by people who criticize the style of swearing. This is also observed in the marginal wars which might drive the public to forget the war of existence, where journalism distracts people from the vital reality causes.

Q: In Islamic journalism, some correspondents' stories sometimes require certain acts of spying to put their hands on interesting news; is this lawful?

A: Spying is unlawful to Muslims because people's secrets and demerits are of a restricted nature, in the sense that they should not be revealed by Muslims, unless they are associated with an Islamic urgent need that might eliminate public harm or bring about public benefit.

Q: Is there any harm in manipulating some news by skipping a part and publishing the other?

A: This is lawful, provided that it does not suggest anything contrary to the facts.

Q: Does saying that a newspaper or a magazine is not responsible for the writer's opinions in articles or reports exempt the magazine or the newspaper from the religious responsibility for any possible included violations?

A: It is lawful, if the article or report does not cause public harm, regardless of whether it is attributed to the magazine or to the author.

Q: In accordance with the saying: "Consider what is said, not who said it", is it lawful to employ a writer who is controversial in the Islamic arena?

A: In principle, this is lawful provided that supporting him and publishing his name and thoughts will not lead to any harm to the general Islamic reality.

Q: What is juristically meant by the term "the responsible word" (Al-Kalima Al-Mas'oula)?

A: It refers to any word that neither carries a forbidden connotation, nor harms the general Islamic interests or the religiously respected figures.

Jurisprudence of the Market

Q: We see in some stores signs that say: ''No exchange or return for the sold merchandises''. Is this binding? Do these signs nullify any other factor such as time, defects... etc.?

A: This sign is the same as any condition stipulated in a contract making any other factor invalid. Consequently, the sale process, [once done], becomes definitive and binding, where no second thoughts or other options are allowed. However, the validity of this sign remains dependent on whether the purchaser is actually able to read it, because it is possible that he might not take notice of it, or simply cannot read it for being illiterate.

Q: Some stores display commodities confiscated by custom authorities. Is it lawful to buy these commodities?

A: In principle, it is unlawful to buy such commodities, since the owner did not willfully or contentedly waive his right over them. If these owners were known or it was possible to get to know them and obtain their approval or permission; then it is permissible to buy these products. On the other hand, if these owners remain unknown; the commodities fall under the category of unknown owner, where there must be recourse to an Islamic judge [to settle the matter].

Q: Some people visit car exhibition centers or other shopping centers asking for certain specifications they want in a car or in a certain commodity; and they actually promise the sellers to buy the product they asked for once it becomes available. Is this promise considered binding?

A: If the promise included a request to actually import the product to the purchaser's credit, in a way that the owner of the commercial enterprise becomes the purchaser's authorized agent in the purchasing process, or if the issue took the form of a settled business deal; his promise becomes binding in the said case. As for when the situation is only about negotiating or chaffering including no transactional commitment; there would be no binding factor in such case speaking from a contractual perspective. For, indeed, no contract in this case has been established between the two parties; there has been neither a procuration nor a business transaction. Still, it is preferable to keep one's promise from the Shariah point of view. It is also possible that it is obligatory to keep this promise as a form of Taklif (religious obligation), which renders this issue a matter of obligatory precaution.

Copyrights

Q: Do copyrights have any materialistic significance? Is printing allowed without obtaining the authorization of the writer or the publisher knowing that the latter

spends a lot of money to get the writer's approval in the early stages of the contract, let alone the money he spends on the various stages of producing a book?

A: Taking into consideration the rights that both the writers and publishers are entitled to, printing is not allowed without obtaining their permission. In its general meaning, a book has a financial consideration that differs from the common conviction that was prevalent in previous times. This old conviction stated that the financial value of a book lies in the original copy that the author possesses; and consequently, printing the copy possessed by the publishing house was not regarded as a violation of one's intellectual properties because, according to the said view, this does not represent an infringement on the author's property, since he owns nothing but the copy in his possession. On the other hand, the new reasonable view considers that the financial value of a book lies in its qualitative aspect, which means that printing a book without permission is a violation to the rights of the author or publisher. So, whatever party perpetuates such doing is regarded as a thief, a usurper and a transgressor, because the money he is dealing with belongs to a specified entity. Likewise, this judgment applies to all what the rational people regard as carrying a financial value in their quality, rather than in their physical existence, such as inventions and the like

In fact, all that is based on a very solid and fixed

foundation, which is that the financial value of property varies in accordance with the variation of the reasonable consideration which actually develops, in its way of perceiving things, in concordance with the development of economic situations that will, naturally, involve new needs or values. Nothing actually tells us that we must stick to our old methods in viewing affairs or situations, especially concerning the financial value of property because this particular issue changes and grows in harmony with the developing needs. Indeed, something that has no financial value might turn to acquire this characteristic, such as paper money; and something that has this value might lose it if the previous consideration ceases to be effective, such as abolished currencies.

Q: Sometimes, publishing houses print more copies than what is agreed upon with the author, and sometimes they print more than one edition without obtaining the permission of the author; are they lawfully permitted to do such thing?

A: No, they are not because this represents a breach to the contract between the author and the publishing house, on the one hand, and it is a violation of the author's right to have his work published as he wishes, on the other hand. That is actually what we have been talking about when we said that the author does not simply own the original written or printed copy of his book, but he is rather in complete possession of his book and all the copying details that this might include.

Q: Do authors enjoy the right of having their books printed in more than one publishing house at the same time, irrespective of whether these publishing houses are in different countries or not, and irrespective of whether the first agreement did include a stipulation against publishing or it did not?

A: In his contracts with various publishers, an author should inform them of these details. If they approve of that, the contract is then deemed valid; but if the printing and publishing contract included a condition banning the publishing of the same material by another publishing house; in this case, the author is not allowed to have his book printed and published by any other publishing company based on the following tradition: *"Believers respect the pledges they have undertaken"*.

Banks and deposits

Q: Some people entrust persons they know with their deposits. Is it permissible for the trustee to profit from the entrusted deposits whilst offering guarantees that no misuse of them would be perpetrated or that they will be returned?

A: If the owners of these deposits did not express their approval or give their permission, it is not allowed to use these deposits.

Q: Can the depositors take the interests that banks give for the deposited accounts, regardless of whether it is stipulated as a condition or not?

A: It is impermissible to stipulate interests as a condition, for this becomes an act of usury, knowing that it is not a deposit; but rather, a kind of loan. But, it is permissible to take the interest in case it is not stipulated as a condition. However, regarding the issue from the practical angle, concerning whether it is lawful to take this money or not, it is lawful, as long as it is not stipulated as a condition neither expressly nor tacitly, because this would fall under the category of gifts. All the more so, this money can be deemed lawful if the bank's administration was aware that it is giving the depositor or the creditor an interest that he is not lawfully entitled to. Another consideration makes these interests lawful; that is, if the bank's settlement of these interests falls under its own legal obligations, which represents to the bank a kind of legal binding commitment. So, in the first case, the interest is deemed lawful under the consideration of donations and in the second case, it is lawful in view of the fact that all people are bound to comply with the commitments they have undertaken on themselves. And Allah knows best.

Q: In foreign exchange operations (currency transfer), the transferred amount of money should be cashed instantaneously. Is it lawful that one or both parties receive the money as bills of exchange or in form of financial obligations? Is it right that banks register

receivables and payables in the accounts of customers without actually cashing any money because it is virtually collected?

A: The mainstream (Mash'hur) opinion amongst jurists, which is nearly a consensus, is that the rule of collecting money during exchange operations is restricted to gold and silver coins. Accordingly, cashing money is not a condition to ensure the validity of selling paper money, since it is irrelevant to the subject of the rule which is mainly concerned with the selling of silver coin dirhams in exchange for gold coin dinars. On that account, paper money can be sold as bills of exchange or in form of financial obligations without the two parties receiving any money. It can also be collected in sales operations that take place in banks as the latter register receivables and payables in the accounts of customers without effectively cashing any money.

Nevertheless, there are those who state that the question of paper money involves the transferring of two equal prices, which means that the aspect taken into consideration in the process of exchange is the aspect of value, such as what happens, for example, when exchanging liras with dinars or dollars. On that account, we conclude that when the said rule took silver and gold dirhams and dinars to regulate their exchange; it did so only because they were the currencies in circulation during that time and not because of their

distinctive characteristic as dinars and dirhams, or else the validity of this rule would become null by the disappearance of these currencies. Thus, in such dealings, the payment should take place on the spot, but we do not agree with this point of view, as we believe that it is permissible to buy or sell paper money with another paper money, without the condition of immediate payment, even if one of the currencies is in gold.

Q: Is it lawful for a middleman to sell the goods he bought from the producer at a higher price than the one agreed upon with the latter and collect the profit?

A: No, it is unlawful because his role is that of an agent who must abide by the instructions of the authorizer. If the broker was actually able to sell the product at a higher price and the owner did not express any reservations in this regard; in this case, the profit should be collected by the owner and the broker is only entitled to the wage or remuneration the owner decides for him.

Q: Some people ask merchants for products that are not at their disposal. In return, merchants ask for an advance payment to ensure the sale process and bring the desired product. Is this selling lawfully accepted as concerns the merchant?

A: If both parties were only negotiating the terms of the selling that would take place after the merchant brings the desired product; and if there was no real or

actual selling of the given product, which is not yet possessed by the merchant who is willing to sell it in the future; in this case, the merchant does not own the prepayment given to him by the customer, considering it as part of the price. This advance payment could be considered as a loan if they meant it to be as such.

Assuming that the agreement reached by both parties represented an actual selling of the given product; here, the selling is considered void because one cannot sell but one's properties, as it is narrated that the Prophet (p.) said: *"Sell not what you own not"*. Thus, the merchant does not possess the money or the part of the price that had been given to him. As for when the wholesale process is being carried out under the form of obligations; the sale then becomes valid and each party possesses, in consequence, what had been transferred to it. Thus, the purchaser owns all what the dealer owes him and the dealer owns the amount the purchaser had promised him.

Q: What if the dealer took the entire money in advance, bought the desired goods, and then sold them to the purchaser at a higher price? Is it lawful for him to do so, and is he allowed to collect the profit?

A: If the sale process falls under the first two presumptions, then the dealer only owns the money in the form of a loan and he can sell the product at a higher price, as well as he could collect the profit resulting from

this operation since no actual sale has happened in their said agreement. But if the sale process falls under the third presumption; in this case, the dealer owns the money and he cannot take more than the price agreed upon.

Q: There is a selling method called "selling on consignment". Is this method valid and on what foundation is it based? Should the consignee stick to the consignor's conditions concerning the price? Or could he simply do what he finds suitable while preserving the consignor's financial rights?

A: This issue can be regarded from two perspectives. First, if the package of goods handed over is regarded as a deposit based on the understanding that selling will be on behalf of the consignor where the consignee receives a percentage of the profits; in this case, the consignee must comply with the conditions set by the consignor as regards the price or other things. Nevertheless, the consignee can act freely if the consignor gave him an absolute authorization in selling. Second, if the consignee bought all the goods delivered to him at a certain price and kept for himself the right of returning any remaining unsold articles by revoking the contract concerning them; in this consideration, the consignee becomes an owner and can freely manipulate the price, the sale method, as well as the sale conditions without thinking much of the original vendor, because as we have just said, he becomes the owner of these goods and he can dispose

of his own properties as he wishes. In fact, the common method of selling falls under this consideration.

Q: Do you consider any interest resulting from a loan usury or it is considered so only if it was stipulated?

A: Usury is only the interest on a loan or a credit that is stipulated in the contract of borrowing. As long as an interest is not stated as a condition, it is not considered usury or unlawful. Imam Muhammad Al-Baqir (a.s.) said: *"The best of loans is the one bringing benefit in"*(1), that is, the reward or the extra money given by the borrower to the lender out of kindness and generosity. He (a.s.) also said: *"Usury is like a condition; yet, it is spoiled by conditions"*(2).

Q: What is your standpoint as regards the paper money put into circulation; is it real money or is it just a form of financial instruments issued and pledged by the government, especially that paper money is no longer covered by gold or silver and that the government can devalue it at any time making it useless?

A: Paper money is real money in view of its legal consideration that is founded upon the basis adopted by wise people as concerns financial considerations. Nevertheless, to be dealt with as actual money, paper money must be covered by gold or by the national wealth such as

(1) Wasa'il Ash-Shia, tradition N◦ 23835
(2) Wasa'il Ash-Shia, tradition N◦ 23463

the metals that the government owns. This, however, does not necessarily mean to establish the exact equivalence between the lira and the amount of gold or metal. Furthermore, it is normal that the value of paper money, when it is the adopted currency, remains dependent on the authority empowered to issue it; in consequence, if the State - and it is the authority that enjoys this power - chose to cancel it, then this leaves the currency with no value.

Q: Is it lawful to sell a cheque at a price less than its current monetary value and in exchange for money of the same or different currency? And what if the cheque bounced back, what is the amount of money that the original owner of the cheque should give back to the buyer? Who should assume the costs and expenses, and how are the latter calculated? Are they what he had actually spent or do they include the loss that the buyer had been inflicted with as a result of freezing the money he had paid?

A: As a matter of fact, a cheque is not a financial currency; it is more like a promissory note or a certificate showing evidence of money, and selling a cheque is the same as exchanging money with money. If a cheque was returned, the same amount of money paid by the buyer to the cheque's owner must be refunded; not more nor less; and that is because when the said owner sold his cheque at a price less than its effective monetary value, he did so only to speed up the cashing, which did not

happen. As for the expenses this operation had cost, including what the buyer did really spend and the losses he had incurred by freezing his money; these should not be assumed by the cheque's owner.

Q: Is it lawful to sell and purchase currencies at a price specified at the time of the agreement, knowing that the delivery and reception will take place later?

A: This is permissible since the ruling on paper money differs from that on gold and silver money.

Q: When a person has the capacity to guarantee another person before a bank; is it lawful for him to ask the guaranteed person or the bank for something in return for his guarantee?

A: Yes, it is lawful because guaranteeing a person is something worthy of remuneration, in case one does not want to make it for free.

Rules governing slaughtered animals and selling meat

Q: Is it permissible to work in meat canning factories (dealing with pork or meat from animals that were not duly slaughtered), whether this work was in the canning process itself or was only related to cleaning, such as washing the place, the machines... etc.?

A: It is unlawful to work in canning such meat in principle. However, this work becomes permissible if it was meant to be sold to non-Muslims who consider it lawful. Still, [the choice of] not working in such jobs as a

precaution should not be abandoned. As for the work that is mainly related to cleaning the machines; it is permissible in all cases.

Q: Is the presence of the expression "slaughtered in accordance with the Shariah rites" considered enough when buying red and white meat known to be imported from non-Islamic countries?

A: This expression is not sufficient if one was not assured that the meat is lawful.

Q: Am I allowed to buy slaughtered animals from a market the majority of which is Muslim, while the minority is from the People of the Book, without any examination or investigation?

A: Being a market of Muslims is most likely an indication of the lawfulness of the meat, even if includes a minority of non- Muslims.

Landlords and tenants

Q: Does the landlord have the right to expel the tenant after the end of the agreed upon period of the rent contract?

A: Yes, he enjoys such right, unless the tenant has included in the contract the condition of renewing the lease contract after it ends. And this is the case in several countries imposed by the legal state of affairs, which turned into an implicit condition between the owner and the tenant.

Q: Does the landlord have the right to increase the rental after the end of the first period? And should the tenant comply with this increase?

A: Once again, he has this right if the tenant did not include not increasing the rental as a condition when concluding the contract. However, if there is such stipulation, even if implicitly, as what is common in several countries, the landlord has no right to increase the rental.

Q: There is a common practice nowadays where the tenant asks the landlord for a certain sum of money in exchange for leaving the leased apartment or store. Can we consider such act lawful?

A: As a matter of fact, if the tenant has the right to stay at the said place by virtue of the stipulated condition, he is then entitled to ask for financial remuneration in exchange for ceding his right.

Q: What is the basis of the relationship between the landlord and the tenant in the light of the Islamic jurisprudence; is it the concluded contract between the two parties, the common norms or practice amongst people, or the law in force in each country?

A: According to the Islamic law, the contract is the law that governs the contractors. Hence the contracting parties must abide by the terms of their contract, in concordance with His saying: **"O ye who believe! Fulfill (all) obligations"** (05:01). As a result, the common

practice amongst people and the law in force in each country become useless. Nevertheless, if these norms, common practice, or law took the form of a generally accepted and self-evident thing to do, to the extent that the rent becomes based on it without having to stipulate it in the contract; in this case, it turns into an implicit condition that is as valid as the explicit one and that is binding on both parties. In fact, that is what the Prophet (p.) clearly expresses in his saying: *"Believers respect the pledges they have undertaken"*[1].

Q: We have some people who rent premises for the purpose of investment, such as renting them during the season of tourism. Is the second renting (re-renting to a third party) considered lawful?

A: The second renting is considered effective and lawful when the first rent contract acknowledges the right of the tenant to rent the premises to visitors and tourists.

Q: Is it lawful to conduct contracts of dealings, such as selling, buying, leasing, exchanging... etc., through modern communication means such as the phone, fax, computer... etc.? And what are the restrictions that must be observed to ensure the validity of the business transaction?

A: Business transactions are allowed, with the

(1) Wasa'il Ash-Shia, tradition N◦ 27081

exception of selling gold in exchange for another form of gold or silver that must be governed by the condition of the actual transaction taking place. As for the restrictions that govern this issue and guarantee its validity, they can be summed up in having a means to express commitment between the two parties, whether orally or in writing, along with the fulfillment of the general conditions of the special dealing. We do not see that it is obligatory to have the contracting parties present in one place, or to actually express approval or acceptance in words, or the like. A contract can actually be concluded or deemed effective whenever it is provided with whatever is considered as a conventional or formal confirmation of its existence.

Q: Should the money that had been paid to the broker be restituted if the selling was canceled and the contract was revoked?

A: This money should not be restored because the broker had earned it when he arranged the deal, completed the sale, and performed his job as expected; not to mention that the broker's job ends by the completion of the sale and has nothing to do with what happens later, since the contract that defines the broker's relation to contractors stipulates no such condition.

Q: If the tenant had spent money on renovating or fixing the leased store or premises; is he allowed to demand the landlord for the restitution of this money in case the lease contract was canceled?

A: He is not allowed to ask the landlord to return this money, unless he had fixed the premises upon the orders of his landlord, and provided that the latter had declared that these charges will be at his expense.

Q: Is it allowed to lease a property (such as a house or a store) to non-Muslims? And should the tenant abide by the landlord's conditions as concerns personal behavior?

A: Yes, it is allowed, as long as this does not have any consequences or cause damage to Muslims. The tenant, as well as the landlord, should furthermore abide by the requirements and terms of the lease contract.

Q: What is the rule regarding the sale of houses and stores that are still not constructed at the time of concluding the contract, but only planned to be executed in the future?

A: It is allowed, being a form of selling "biz-zima", meaning that the seller is committed to deliver the sold item at a certain defined time.

Insurance companies

Q: What is the ruling regarding insurance, including life insurance, knowing that some consider that insurance falls under contracts that involve deceit due to the unknown factors involved and that it involves, or at least suspected to involve, usury? Do you perceive life insurance as a defiance of Allah?

A: First, the religious standpoint regarding insurance, including life insurance, is concerned only with the validity of the contract which is an independent and self-existent contract per se. Therefore, His saying: **"O ye who believe! Fulfill (all) obligations"**, (05:01) applies to this type of contracts which is not considered a form of deceit, since each party knows exactly what is incumbent on itself. As for the companies' unawareness of what it is gaining out of a life insurance, or the unawareness of the insured of the amount of money he is paying throughout his lifetime; such nescience is forgiven. Evidence of deceit do not include this forgiven nescience of the reasonable people in these business transactions which represent an economic necessity considering the ongoing situation in people's public and private lives.

Second, these contracts do not involve usury in principle. Even when companies repay customers money with a premium, as when the insurance contract is revoked for example, this premium does not fall under the category of unlawful contractual usury(1).

Third, it is weird to say that life insurance represents a defiance of Allah, the Most Exalted, because the terms of such contracts do not suggest in any way that the insurer will keep the life of the insured; it is only about paying his family the prescribed and agreed upon sum of money upon his death.

(1) Contractual usury: Usury stipulated as a clause in the contract itself

Q: Do you regard the act of buying certain merchandises at a specified period of time in order to put them back on sale when their prices go up as monopoly? And do you define monopoly as the control of all kinds of goods and services or is it exclusive to a specific type of products?

A: If the offered goods come under the category of monopolized goods, and if they prove to be completely missing from markets so that by keeping them from distribution people will be inflicted with severe harm and damage; in this case, their monopoly would be deemed unlawful.

The forbiddance of monopoly covers all the needs that are vital for people's public and private lives, not to mention that they are not restricted to certain products, as it is widely believed amongst jurists.

Q: In contracting transactions, we are faced with the presence of two contractors. The first one enters into an agreement with the employing party. He would then conclude a contract with the second one to do the same job for a lower price, knowing that the profit drawn from this deal will be collected by the first contractor. Is the second agreement considered valid?

A: The first contractor is not allowed to hire another contractor in order to perform the job he had been hired to fulfill for a less pay, unless he had already started the work and achieved a little or a great part of it.

Q: Where are the limits of profit in sales and transactions drawn? Is there any particular restriction one should not overstep?

A: There is no specific limit for profits in principle, but if the commodities are unlawful to monopolize; profits, then, should not cause people any prejudice or harm. As for when the transaction is carried out in an Islamic country governed by the Islamic law and the binding legitimate leadership where we encounter rules and laws laid down to regulate such kinds of affairs by setting a profit system that takes into consideration the public interest; then, one must abide by the demands of the guardianship of the jurisprudent (Wilayat Al-Faqih) and be observant of the public interest.

Q: Is the change of the specifications related to certain merchandises regarded as an act of cheating? And what if it is associated with a decrease in the price?

A: Deception is the act of misleading somebody by hiding the truth deliberately, even if concealment involved only a small part of the merchandise. As a matter of fact, illustrations on deception are numerous. It constitutes mixing the good with the bad or covering the unwanted with the wanted, such as mixing water with yogurt, which is actually an act of cheating. Making sure to give a good impression by showing a good quality that is false, like sprinkling water on vegetables in order to delude people into thinking that these vegetables are

fresh is also a form of deception. Another unquestionable dishonest practice is the selling of a product on the basis that it is something, while actually it is something else, such as plating iron with a thin layer of gold or silver to lead people to the false belief that they are actually gold and silver. Another example is the reliance of the purchaser on the seller. If the buyer trusts the vendor to the extent that he does not feel it is necessary to check the product he is buying, and the vendor abstains from calling the buyer's attention to the apparent flaws of the given product; that is, if the person was actually tricked into thinking that he is buying a flawless good; in this case, the religious opinion regards the seller's concealment as a form of deception. Accordingly, in case of manipulating the specifications related to certain merchandises without showing any signs of change in their original or essential state; the selling is considered an unlawful treachery, even if the price was reduced.

Q: What fraud is tolerated or excused in sales transactions?

A: The tolerated fraud that does not give he who is wronged the right to opt for revoking the contract is the kind of fraud excused by common norms and customs and practice and that normally does not undergo scrutiny or examination. This could be in the range of one percent or so.

Q: Is it obligatory to stick to the prices fixed by the

competent authorities, especially if the buying exceeded the estimated price?

A: This is not binding except in the situations dictated by the legitimate authorities that should be obeyed in this aspect, since they base their decision on the binding interest and the avoidance of any significant damage on people.

Q: Is it lawful to sell or buy merchandises that had entered the country without passing through customs?

A: It is not unlawful, in principle, unless there was another binding consideration, such as dishonoring the Muslim or harming a vital Islamic interest, which might vary in accordance with the variation of situations, or emergent considerations, such as external conditions that might cause certain harm.

Q: When adopting the sale on credit system; is it obligatory that the seller inform the buyer of the price, if the latter exceeds the price of the cash sale?

A: If the sale on credit was final and conclusive between the seller and the buyer at a price they both agreed upon; then the sale is considered valid, even if the purchaser was not aware of the margin of the price between the sale on credit and the cash sale.

Q: What are the conditions and requirements that one should meet in order to deal in the stock market?

A: Stock market deals and transactions must be studied thoroughly to learn about their detailed

particularities so that one can take a clear and precise decision in this respect. Nonetheless, all the general and private conditions of sale must be taken into consideration, because dealing in stock market must observe, just as any other sale operation, certain legal conditions and restrictions.

Q: What is the ruling regarding the sale of one currency in exchange for another, for a specific period of time and at a higher price than the then current price?

A: If it was not something weighed and measured, and if it was not a loan in the form of a sale; then it is lawful.

Q: Is the seller's authorized agent allowed to be the buyer himself at the same time? What are the restrictions that he must observe?

A: Yes, he is allowed, if the contract stipulates that the purchaser can be the agent himself. The restrictions that must be complied with are actually those set by the owner for the sale, exactly as if the selling was for someone else.

Q: In partnerships, is it lawful for any of the partners to work in the company as an employee, manager or worker, and receive a separate fixed pay for his work?

A: It is lawful that he receives remuneration, because his job at the company, in whatever position, makes him worthy of this reward, and because it is completely separate and different from [the position of] being a partner. Indeed, there is no problem in having numerous rights, in view of the presence of different considerations.

Q: Is it lawful for a first merchant to sell his right of importation to a second merchant, so that the importation process would be carried out in the name of the first merchant, who has the right of importation, yet with the money of the second?

A: If the right of importation has a financial worth and can be transferred; then it can be exchanged in return for money. It is also lawful to pay the first merchant who enjoys the right of importation a sum of money as remuneration in exchange for importing the goods in his name, but to the credit of the other merchant.

Q: In selling and buying transactions, is it lawful to stipulate a fine in case one party fails to fulfill his obligations? Take for example the case of buying a given good at a specific price to be received in a month or so; and it is preconditioned that the buyer should pay a fine in case he fails to respect the agreed upon date.

A: Such stipulation is deemed unlawful because a fine in case of delay is the same as stipulating an increase in price in case of delay, which is, indeed, a kind of usury.

Q: What is the ruling regarding the trade in cigarettes, amusement and entertaining machines, as well as the devices that can have different lawful or unlawful uses such as videos, "cables", musical instruments, etc.? And is it up to the vendor, purchaser, the common norms, or the practice to define the product's purpose of use?

A: In order to ensure the lawfulness of this trade, the traded product must be lawful so that it can serve lawful purposes and can be used in lawful fields. It is not prohibited to trade in what could serve lawful or unlawful purposes, if it was not stipulated in the selling contract that the sold product will be employed in unlawful practices. The seller, moreover, is not entitled to stipulate the product's mode of practice, taking into consideration that the sale should be lawful in itself.

In the light of this, it is permissible to sell the said instruments or machines, if they can be equally employed for lawful and unlawful utilizations, according to their nature in the common norms or practice. However, the trade in these instruments becomes unlawful, if they are mostly used in unlawful purposes or if they are known to be destined for making buyers deviate from the straight path, and there is no possibility that they will be used in lawful purposes.

As concerns the question of smoking - which we deem unlawful - we do not legalize trading in cigarettes because smoking has no lawful outcome or benefit whatsoever. This is what we believe regarding this particular issue, unless the emulator refers to the opinion of another religious authority who deems it permissible. It is a matter of whom the person emulates.

Q: All products are valid for a specified expiration date; is this specified date binding on the vender,

knowing that some products remain consumable after their expiration date, yet they become less effective?

A: The use of such products under these conditions is unlawful if it led to any undesirable prospective damage. And even if this use did not have such effect, the attention of the buyer must be brought to such a fact, because the latter has the right to cancel the sale if he discovers the situation of the sold product later on, rather than at the time of the sale.

Q: In the following case: Two or more persons are partners in a business association dealing with a certain trade, and one of the partners is the expert in this kind of activities or in the company's field of work, while the others are not well-acquainted with the quantity that must be bought, and other details. If after a given period of time, the partners find out that the bought quantity exceeded the market's demand and that they cannot dispose of the extra quantity; who shall shoulder the responsibility of the loss in such situation? Should it be incumbent on all partners or on the expert partner who miscalculated the needed quantity?

A: If the expert partner was an authorized agent in the act of buying due to his skill, and he bought the said quantity based on his personal knowledge and experience in this field and he was not negligent or remiss in studying all the aspects of the deal, or in studying the nature of the market; in this case, all partners should

assume the loss and not only this particular partner. Nevertheless, if this partner showed carelessness and slackness in examining the situation of the bought product in the light of the market's need for it; he becomes fully and solely responsible for this loss.

Q: Is it lawful to sell a certain merchandise to be delivered or paid for after a specific time in the future, and then buy it again from the same purchaser at a lower price than the one paid for it?

A: This sale is apparently valid, provided that it is not stipulated as a condition in the first sale that the buyer should re-sell the product to the first owner at a lower price. This is what is actually mentioned in the tradition of Imam Moussa Bin Ja'afar (a.s.), as reported by his brother, Ali Bin Ja'afar: *"I asked him about a person who sold his garment for ten dirhams and then bought it back with five dirhams. Is this lawful? He said: 'If this was not set as a condition and both parties were in accord, then it is all right'".*

Q: Is it lawful to sell the bought goods on the basis of the specifications, and before actually acquiring them, to a second purchaser and so on and so forth?

A: There is no lawful problem in such doing, if it was not something weighed and measured; and even if it was, it is not wrong to sell it for the same price it was bought with. Furthermore, it seems that it is also permitted to sell these goods at a higher price; however, it is preferred

to remain on the safe side by refraining from such sale as a form of precaution, and Allah knows best.

Q: Is it lawful to display onscreen pictures of Muslim women as a form of advertisement for clothing and accessory boutiques, bearing in mind that these women are not known for the buyers?

A: Yes, it is lawful provided that this does not cause sexual arousal in general.

Jurisprudence of Relations

Q: What are the limits from the Shariah point of view in establishing relationships with others?

A: Normally, jurisprudence does not forbid the human being from establishing relationships with others, be they Muslims or disbelievers, religious or non-religious. However, when it is feared that the person would be negatively affected by the ethics, habits and thoughts of the other, in a way that this social interaction turns out to be one of the factors that would lead him to aberration; in such a case, he would be forbidden, or at least, most likely forbidden, from this relationship. Similarly, if mixing with such people might put the person in a position of accusation or condemnation for he is socially sharing the atmosphere of a debauched and atheist person, jurisprudence, then, refuses that the human being be exposed to any such risk of indictment. Forbiddance also occurs when such relationships lead to a kind of accepting the wrong where the person appears to be comfortable with this wrongdoing.

In other words, the human being is allowed to socialize with others except in cases where he would become exposed to aberration or accusation, or when he is dealing with a situation that requires enjoining good and forbidding evil.

Q: What if I become friends with some disreputable young men with the purpose of reforming or guiding them, which, in return, causes me some embarrassments with people; what do you say about that?

A: In case a very high possibility of reforming and guiding them to the right path is available, then there is no problem because people would eventually learn about your true intentions, as the good results of this relationship emerge.

On the other hand, if the chances of achieving the desired aim are not great, imposing on the human being no binding obligation to accompany this person and guide him, then he should put an end to this relationship, especially if, for that purpose, it reaches the extent of disgracing him and tearing down his esteem.

The relationship between the two sexes

Q: Do I have the right to establish friendships with my female colleagues in a way that we would chat and converse the same way I do with my male colleagues, and discuss any subjects, except those that are religiously forbidden?

A: Social interaction between men and women is not forbidden. However, the nature of the reality that governs the way men perceive women, emotionally, and vice versa, might not guarantee that this kind of friendship would remain within the religious limits. In

fact, some negative consequences might result from this, especially if those feelings and emotions developed to become intimate, as what usually happens. Actually, that is what we deduce from the well-known tradition that forbids any seclusion between a man and a woman, affirming that Satan would be the third participant in it. Any seclusion between men and women would actually prepare the external, as well as the psychological elements that pave the way for committing wrong-doings. And it is natural that any intimate friendship between a man and a woman, which varies in its meetings and conversations, might lead to the same end.

Nonetheless, if both sides were certain that they will not fall into any unlawful activities or anything that might arouse temptations, and if the relationship was governed by the ordained legal limits, then such a relation would not constitute a problem. So, if the relationship between a man and a woman did not lead to any forbidden act, and there were some legal means that allow the continuance of the relationship - even if it was an intimate emotional relationship - based on lawful bonds, in the sense that the results that would come out would actually be based on lawful means, such as a contract or anything permissible to be done in such a situation, then there would not be any lawful problem.

Q: Am I allowed to work with someone who has abandoned prayer?

A: In principle, yes you are allowed, unless this act goes against the condition of forbidding evil. However, if the condition of forbidding evil cannot be fulfilled, in the sense that this person does not respond to any act of forbiddance, or a major damage might be inflicted on the forbidder as a result of his forbiddance, or some interests depend on dealing and working with such person or working for him, or other similar business relations, then there is no problem.

The relationship with the People of the Book

Q: Is it lawful to establish relationships with the People of the Book in cases other than to invite them to adopt Islam as a religion?

A: There is no problem in such relationship, for Allah says: **"Allah forbids you not, with regard to those who fight you not for (your) Faith nor drive you out of your homes, from dealing kindly and justly with them: for Allah loves those who are just"**. (60:08). Moreover, Allah wants us to discuss with the People of the Book in a friendly manner, to come to common terms with them, and to open up to them in one way or another without any problem in this respect. Thus, this kind of relationships is not forbidden, except in certain secondary considerations that render it forbidden or discouraged (Makruh), in case such a relation involves forbidden or discouraged acts.

Q: Assuming that I belong to a certain political

movement which does some deviated acts, what shall I do to avoid falling into problems from the religious point of view?

A: When man joins a certain political movement, he should abide by its orders, obligations, attitudes and restrictions, and participate in its struggles with others and so on. Therefore, he should make sure that the movement he has chosen is earnestly taking the right path, so as to guarantee that his involvement with this movement will remain within Allah's law and limits.

But if he finds that the movement is carrying out some deviated acts, which might lead him to commit a certain wrongdoing or to abandon a certain duty, he must then play the role of its critique and work hard to reform it by all possible means.

However, if he fails to fulfill the said aim, then the most obvious and natural thing to do would be not to go on with the wrongdoing. Then again, the question of staying a member in the movement remains dependent on the positive or negative outcomes that might result at the level of the great causes represented by the movement. So, if belonging to this movement - even if some mistakes and deviations were taking place - would serve the great and noble objectives of Islam; in that case, he has the right to maintain his membership. However, if his presence will make him a false witness and does not serve any Islamic great cause or interest, then he ought to leave.

Q: Attempting to rectify the movement or the party might necessitate breaking some of the party's laws and regulations. Does this lead to a problem from the Shariah point of view?

A: First: This differs according to the kind of commitment that man undertakes when he joins the movement. Second: He must study all the possible negative and positive outcomes resulting from the reformatory attempt which necessitates destabilizing the general order of the movement. He must also examine and evaluate all the consequences that might arise from engaging the movement in a struggle under the aim of reforming it. So, if the results were greater and more beneficial, he should pursue his goal after consulting the people of experience and wisdom in the issue, if it happened that he lacks the objective experience in this respect.

Q: Is there any contradiction between the services that the person offers to his Islamic movement or organization in order to grant it a high reputation, on the one hand, and the principle of seeking Allah's satisfaction and worshipping Him alone, on the other?

A: If granting the movement a good Islamic reputation contributes in endowing it with considerable opportunities to achieve its Islamic objectives and to increase its importance in the eyes of people, which in return might lead to some significant results at the level

of the great Islamic causes it aims to realize; in such case, this would be considered as one of the deeds that brings man closer to Allah, since it reaches Allah albeit indirectly.

So, if man belongs to an Islamic movement or holds any Islamic position that can make a difference at the level of the great causes or that can become widely spread in the general Islamic reality and attain the ability to accomplish its goals through the best feasible means - assuming that those goals redound to the great benefit of Islam - then his work and effort to elevate the movement's status and improve its reputation would be considered for the sake of fulfilling the great objectives that please Allah, and his deeds would consequently bring him closer to Allah.

Q: What would you say to those who claim that having a partisan system is one way to disintegrate and divide the society?

A: Actually, the core issue here is not the presence of parties; it is rather fanaticism that fragments society and those who say so are, in fact, talking about fanatic parties. Besides, we see no difference between being fanatic for a party or fanatic for a person. Actually, we find that some people invite others to become fanatically devoted to them, at a time they speak negatively about some people's fanatic devotion to certain parties. Naturally, the question of being fanatic towards a

person will turn into a question of idolizing this person, especially if he does not represent an extension of the general Islamic or social reality. Hence, we say that there is a difference between someone speaking about rejecting the system of parties and someone speaking about rejecting fanaticism; whether it was related to parties, confessions, persons... etc.

Q: What do you think of the saying that the religious scholar should not be involved in a party because his endeavors would then be employed for the sake of the party and not for the sake of Allah?

A: First, we should understand what a party member means. Being a party member necessitates adopting a certain point of view with regard to the means that enables man to achieve his great Islamic goals, assuming that he is a Muslim. Thus, it is not natural to deny the religious scholar his right to believe or to cooperate with a certain path or movement which might realize the Islamic objectives through these various and realistic means, if there were no other possible means that can furnish Islam with power, openness and progress. Nevertheless, there is another point to be taken into consideration, which is that when this scholar follows a certain movement, party or path, he must not imprison himself inside the traditional and fanatical circle of this party. In other words, he must keep his belonging to this party open to the nation, placing his mind, heart and behavior always in the service of the nation as a whole.

And we have already said that there is a difference between living in a limited and narrow corner strangled by fanaticism, separating yourself or your path from that of the others, on the one hand, and belonging to a party that opens up to the nation and that deploys all its efforts to serve the nation through the general principles in this respect, on the other. In fact, if we set out in this regard from the logic that denies man his right to belong to a certain path, which aims to realize the objectives through certain means; we can say that it would also be wrong for the human being to join an assembly, a council or any other private, social or political institution.

Accordingly, if this party is one that treads in the right Islamic path that pleases Allah; adhering to it becomes a duty or an obligation and not just a matter of permissibility and preference. Truly, if we want to adopt the negative reasoning which says that a religious scholar shall abstain from taking part in any party's activities, why not say then that a person is not allowed to adopt Islam as a religion when he is living in a pluralistic society - such as Lebanon - and so he would have no right to profess his Islam publicly, just as the Christian would have no right to profess his Christianity publicly, because the particularity of Islam and Christianity divides the country and makes it susceptible to fanaticism!

So, we conclude that there is a major difference between enjoying the personal right of belonging which

constitutes a natural human state, taking into account the difference in people's affiliations, through the difference in their interpretative judgments and convictions, and being fanatic of one's act of belonging to the extent that he denies others their own right of belonging or turns his belonging into an aggressive state against others.

Q: Those who advocate the act of forbidding religious scholars from belonging to a certain party, movement... etc. resort to the Fatwa of Sayyed Muhammad Baqir As-Sadr (May Allah shower him with His mercy) that had been issued during the seventies as an argument to their claim; what is your comment?

A: I have studied this Fatwa and I found that Sayyed As-Sadr did not forbid the act of belonging to a certain party, movement... etc. He had rather forbidden the religious scholar from declaring his belonging publicly, under some specific subjective political circumstances, in a way that puts him under pressures in his relation with the society at a particular instant; and subsequently, he becomes unable to serve the cause for the sake of which he has joined a certain party.

The conclusion I inferred was that Sayyed As-Sadr (May Allah shower him with His mercy) meant to draw the attention in this Fatwa to the tactical aspect of the issue and not the strategic one, in order to deal with an incidental political condition. Indeed, it cannot be that

he had denied man his right to belong, whether intellectually or practically, to a certain political and Islamic movement that satisfies him.

However, the religious scholar must avoid becoming part of the factional and partisan discussions which might lead him to be classified and judged as belonging to a certain party. Belonging to this or that person or party might, in fact, impede one's free movement and action in his openness to the nation and in the nation's openness to him, which will consequently damage his general role and responsibility towards the nation. Hence, this issue should be decided according to the nature of the positive or negative results and according to the prevailing circumstances.

Q: What are the limits and dimensions of the Islamic factional activity from the Shariah point of view?

A: Any Islamic party should make sure to be open to the nation as a whole, to the Muslims who support it and the Muslims who oppose it, as well as to those who are against its program and ideas. Indeed, any Islamic activity must be open to the nation and it must shoulder the nation's responsibility as its own.

So, while the party meets with those who advocate its cause, it should, at the same time, maintain an active dialogue with those who disagree with it, and pursue and serve their cause, regardless of whether their disagreement was in their approach, opinion... etc.

Moreover, any Islamic party should never classify people on the basis of their factional affiliations, associating their Islamic commitment with the partisan one; thus, establishing that this person is a true Muslim and the other is not or the like. Actually, we all know that Allah accepted people's submission to His will based on one's desire or fear and not on an actual state of conviction, for He says: **"The desert Arabs say, "We believe". Say: "Ye have no faith; but ye (only) say, 'We have submitted our wills to Allah,' for not yet has Faith entered your hearts..."** (49: 14). On this basis, we comprehend that Allah wanted to contain all people and to drive them away from getting attached to disbelief, even if their belonging to Islam was only nominal. Hence, the party should view the nation from a broad, and not a narrow perspective. Therefore, the party should not be fanatic when it comes to dealing with another group or another Muslim party that it disagrees with. Nonetheless, a party can disagree with another by competing against it honestly by holding discussions and debates, or engaging in a cultural or political struggle that does not harm the unity or safety of the nation.

I would like to lay emphasis on this particular point, because the arrogant plan, which is being implemented nowadays in the existing regimes of Muslim nations, is trying to prevent Islamic activists from practicing politics by not giving them the permission to form a political party or a political Islamic movement. Their

fabricated excuse for this ban is that an Islamic party would imply that those who belong to it are Muslim while those who do not are not. In other words, they claim that any party would only divide and destroy the nation. Actually, we have already responded to that and said that this logic would also prove to be true when the issue is concerned with a national or a patriotic party, arguing that he who adheres to such a party would be national or patriotic, while he who does not, would actually be lacking any sense of nationalism or patriotism. In conclusion, and regardless of the reality and practicability of their ideology or proposals at the political level, Islamic parties should never grant those people the chance or the excuse that validates their opinion, by the logic they adopt concerning the intellectual and behavioral approach of their factional existence. We believe that the Islamic party represents a step forward in the propagation of the Call. It acts according to the Islamic Call - as set by the Prophet (p.) - that embraces Muslims who joined Islam so as to deepen their faith and religion opens new horizons for those who did not adopt Islam as a religion for the sake of Islam and its beliefs, and sets out under the aim of changing the non-Islamic reality into an Islamic one.

On this account, the Islamic party ought to be open to all the Islamic reality and to all the horizons within the limits of which Islam operates. Furthermore, the Islamic party has to work toward sowing the Islamic thought in

the mentality of the nation and educating its mind on the basis of the Islamic views regarding the creed, the Shariah (the Islamic law), the political, social and economic conceptions, and so on... Moreover, the party has to work at the level that can produce an Islamic society or nation, where Islam can live amidst its intellectual structure, as well as its practical one.

Hence, we find that one of the party's tasks is stimulating the Islamic reality to move in harmony with the movement at the political, social, economic, and security levels and paths, in a way that the movement of the party has to embrace the whole movement of the Islamic Call, theoretically and practically, to benefit from all the existing potentials in the nation and to improve the work of this movement with enough flexibility that saves it lots of conflicts, be they within official religious circles or the like, which might distract it from accomplishing its set program and goals.

The way I see it is that the role of the Islamic party is similar to the role of the caller who asks all people to join Islam, exactly as what Allah has revealed to the Messenger (p.): **"O men! I am sent unto you all, as the Messenger of Allah"**. (07:158).

Q: Some say that the party that wishes to assume power in a society of different religious, confessional, or sectarian affiliations must not work for the sake of a certain confession or sect; but rather, it ought to be a

national party whose objectives and deeds are devoted to the entire nation and not only to a specific group?

A: I do not approve of that for a very simple reason, which is that the partisan politics, even in a democratic system, entitles each group of people to call to its own ideological beliefs and political agenda inviting people, inside or outside the country, to adopt its thoughts.

The movement of civilizations in the world lies in that all those who have diverse thoughts are dedicated to working towards attaining unity by means of dialogue. On this basis, we understand that those who advocate this claim are actually thinking about the necessity to freeze the current diverse reality, the religious or the tribal reality, or this reality as a whole.

If we want to go along with this way of thinking, we could actually say to the prophets that they should not have invited to their call those who did not believe in what they were or those who were part of pluralistic societies, because by doing so, they would be working for changing the reality in favor of their own thoughts and this might have raised numerous problems in the society. Hence, we have to say to each one who adopts the Marxist or the nationalist way of thinking or any other wide-ranging school of thought that sets from a certain ideology or from certain political patterns that you should not call on the people who disagree with you. Indeed, this is something that no person with a civilized thinking can admit.

Someone might say: you are actually working within the framework of your Islamic sphere, which means that you are not working for the country as a whole. We respond to that by saying that by carrying Islam, we try to open up to all people, working with Muslims so that they would comply with Islam's activist line under the aim of serving its cause and coming together for its sake, and working with non-Muslims by preserving the channels of communication with them and helping them by addressing their needs and demands, even if they maintained their religious beliefs and did not profess Islam as a religion.

If we want, for example, to serve in a society where Christians and Jews coexist with Muslims, then our movement in this case should seek the benefit of all people, without any discrimination.

Therefore, the Islamic State or the Islamic party should open up to the causes of all people, meaning that they should open up to the causes of non-Muslims, just as they open up to the causes of Muslims in general, especially if we become aware of the fact that the questions of economy, security and social balance cannot be fragmented within the frame of one country, because any state of imbalance inflicting non-Muslims will certainly create a similar one with Muslims, since they are living in the same country. Indeed, we are Muslims who take Islam as a pattern of life and who take

the charge of inviting people to Islam, but throughout all this, we maintain the principle of serving all people.

As Muslims, we work towards confronting any oppression that any person, even if he was a non-Muslim, might be inflicted with. In fact, we stand against the oppressor, even if he was a Muslim, and support the oppressed, even if he was a non-Muslim, because Allah wanted us to be just in our judgments and attitudes with all people and to be benevolent with all people. Thus, we come to the conclusion that those people are mistaken to think that the Islamic party, the Islamic movement or the Islamic call are limited, in their deeds and goals, to Islamic communities and surroundings and are careless to what happens outside their environment. Indeed, the reality is totally nothing like that.

During all epochs, Islamic experiences have proven that despite all our reservations with respect to lots of its programs, plans and approaches, the Islamic State was a state for both Muslims and non-Muslims. Moreover, the Messenger (p.) recommended that the covenanter or the free non-Muslim [under Muslim rule] would be taken care of the same way as Muslims. This is prevalent, nowadays, in Iran, which turned into an Islamic Republic. We notice that it is open to non-Muslims as much as it is open to Muslims; besides, it grants non-Muslims all their rights according to their size and proportion in society.

Q: These thoughts do not deny the right of each party to invite people to adopt its own principles, be they Muslims or non-Muslims, but they oblige the party, the coalition, or whatever group wanting to rule to be devoted for everybody without any distinction between any groups, so that everyone would be able to work freely and call people to their own thoughts and theories. What do you say about that?

A: There is a difference between the committed line and the non-committed one. In the non-committed approach, people's actions and moves in the political arena are decided based on democracy where no thought is more preferable or worthier than the other, because legitimacy is defined according to what is mutually agreed upon amongst people, for this is what democracy means. On the other hand, we have the committed and unwavering line such as Islam, Marxism, and so on... The core issue here is that Islam cannot impose itself by force as it sets out to spread its Call, especially amidst the prevailing circumstances, even if it had succeeded once in doing so in some countries, and that is because we are speaking from the realistic and practical perspective away from absolute theorization.

On this basis, we say that when we live in a pluralistic society, such as the Lebanese society; we believe that we have the right to exhort and encourage people to convert to Islam by all possible means. We have the right to do everything we can to make people support us, which

could take place, either by convincing them of the idea of following Islam, by convincing them of our political line only, or simply because they might see us better than others - a possibility valid only when there is no chance that they would be the alternative. In such a case, it would be normal that people rally around us, even if through the democratic way, which we might discuss in terms of its methodology and intellectual bases; yet we confer to it with regard to many realistic steps, just as what is taking place in Iran; an Islamic Republic. Hence, the prevalence of Islam - resulting from the act of persuasion or from the state of popularity - is not considered, in any way, as a rejection, a negation or an annulment of others. On the contrary, ever since it was initiated and until this very day, Islam lives in harmony with others, be they followers of other religions or other trends, and that is according to the plan it had laid for dealing with other entities.

As for the national, racial, or confessional groups residing within the same society, Islam grants them their rights under the general system. So, nothing would keep Islam from guaranteeing the Turks, Kurds, or Persians who live in an Islamic state the freedom of enjoying their own culture, preserving their own language, and practicing their own customs and traditions that do not contradict the Islamic Shariah. Therefore, people who live in an Islamic state do not suffer from racial discrimination because; even if those who rule the

country were Arabs, they have no right to make from their Arab particularity a reason that justifies the persecution of other existing particularities. Indeed, Allah wants us to acknowledge the presence of different nations and tribes as in His saying: **"And made you into nations and tribes, that ye may know each other (not that ye may despise (each other). Verily the most honored of you in the sight of Allah is (he who is) the most righteous of you"*. (49:13).***

Thus, Islam does not cancel the distinctive singularities of nations, or families; nevertheless, it refuses having these singularities turned into principles that separate people from each another. Actually, Islam seeks to make from these individualities a challenging element that urges people to get to know each other, considering that each group of people will offer the other the privilege of learning about its peculiarities and its experience. That is why the Islamic society experiences no problem with regard to its racial, confessional, tribal, national... etc. groups or the like. In this sense, we believe that there is no problem - from a theoretical perspective and not from a practical one - from the part of the other groups that do not move according to ideological or principled considerations.

Sometimes, Muslims do not represent the larger group in a society, or they might be of equal proportion with others and so they turn to be unable to reach the reins of power and control; even in such cases, nothing

would prevent Muslims from addressing everybody with the call to Islam. In fact, problems might occur if you apply pressure on others, if you oppress them or force them to do anything against their will. But if you were of a civilized style and manner in presenting your thought to others, if you conduct conversations and debates with them concerning this thought, if you seek, through your efforts and within your political line, the interest of all people... if you manage to lead such a behavioral pattern leaving the final choice, be it negative or positive, to be made by the addressees themselves, then no problem will rise. Take for example Lebanon: In Lebanon, we can propose Islam as the base of thought, emotion and life, where you open up to the cultural, political, social, and economic aspect to address Christians, as well as Muslims, because some Muslims do not adopt this thought.

So, we, as Muslims, move in society as callers who ask people to open up to the Islamic thought, and as activists who seek out the great causes and objectives which redound to the benefit of the country as a whole. As a matter of fact, we cannot serve Muslims - even if we had an Islamic particularity - if we do not open up to Christians, or else we will never be able to resolve our social, economic, and security problems in Lebanon, because this country embraces an integrated society and not a separated one. Hence, I cannot imagine any proposal of the Islamic thought as an active thought

which opens up to reality but through the civilized methods that Allah has established in the following principle: **"Invite (all) to the Way of thy Lord with wisdom and beautiful preaching"**, (16:125), **"Say to My servants that they should (only) say those things that are best"**, (17:53), **"Repel (Evil) with what is better: Then will he between whom and thee was hatred become as it were thy friend and intimate!"** (41:34), **"Let there be no compulsion in religion: Truth stands out clear from Error"**. (02:256). And we have numerous examples of Islamic beliefs which connote that the thought of Islam must be optionally adhered to by people when presented to them in the cultural and political reality, and not to be imposed on them as a compulsive force leaving them with no chance for any opinion of their own.

Q: What is your opinion on establishing an Islamic state in Lebanon; a slogan which might be raised by some Muslims in the country?

A: In the light of the international and regional reality, the international political situation, and Lebanon's internal situation, I believe that there are no possible chances for establishing an Islamic state in Lebanon.

Q: In this case, what is the slogan that the Islamists of Lebanon can raise and call for?

A: Muslims call for the rule of Islam, and this call should be preserved in the consciousness of the modern

man. The issue of Islam is not sectarian. Islam is a movement of thought, just as Christianity is a movement of thought. Thus, we have said to the Christians that we propose Islam in this complete and integral way, so as to take it out from the sectarian sphere in which it has been placed, as much as we want them to propose Christianity in the same way, so as to remove the sectarian and tribal fences encircling it. Consequently, we can meet on the Islamic-Christian values, knowing that they are values of Divine Messages that encourage dialogue and discussing what we differ on.

Hence, we continue to propose Islam as a means of ruling, and we even used to say that we are working toward "Islamizing" the whole world, just as Christians are endeavoring to "Christianize" the world, and just as any party in the world deploys all possible efforts and exertions to receive acknowledgment and spread its thoughts and beliefs, and America that is attempting to "Americanize" the world is the best example, which proves that the issue is not an innovation (Bida'a).

On this basis, we conclude that a civilized person cannot prevent you from propounding your own doctrine or ideology in the world, leaving for people the choice of accepting or rejecting it, provided that you present your thoughts in a civilized manner that shows respect to the convictions of the human being and that honors his mind and beliefs, and that you make from dialogues and discussions your means to fulfill your

aspired goal. Nonetheless, when we feel that we cannot arrive at setting the Islamic rule, we should make sure that Muslims and Christians live together under their common Islamic and Christian values, which are based on the causes of liberty, the belief in the One God: **"That we worship none but Allah"**, (03:64), the principle of taking care of the affairs of all people and on the standard of showing consideration for the causes of justice in general. In fact, there are several fields in which we can work so as to strengthen Muslims and enable them to cooperate with other groups dealing with them from a position of power.

Q: Where are the limits of the Muslim individual with regard to his activity in the Islamic party?

A: As a matter of fact, the person who belongs to any body, be it a party, an organization or an association... etc., must first establish its legitimacy, as to whether it embodies the elements that any person, who lives up to Islam in his awareness, mind, and faith, believes in. Once he finds that this body, with which he is affiliated, goes in harmony with his beliefs regarding the general lines, he should examine, next, if the leading group of this body which is in charge of directing its activities, setting its course and arranging its affairs, is legitimate. Actually, it is not enough that the line or the movement be right and legitimate; nay, the one responsible of running it, through this particular line, must be a person who

epitomizes this line in his thought, mode of behavior and the way of handling the work. After scrutinizing all those facts and making sure that all the requirements are met, it would be natural then that the person should act accordingly and cooperate, embarking on all the responsibilities that are assigned to him and exerting every effort to achieve the great objectives.

Here, we must point out to the necessity of the affiliation with any group seeking the benefit of Islam, whether those who believe in adhering to the supreme authority (Wilayat Al-Faqih), or those who believe in adhering to a party, since the great objectives can only be executed collectively and not individually. Regardless of the capacities that he enjoys, the individual cannot achieve those objectives all by himself, knowing that even the one who has the character of the leader cannot achieve them, except through the help of the people that he leads and who believe in him. Accordingly, the human being who does not live for himself, but rather for his religion, nation and all his surrounding reality, through the aspirations he seeks to fulfill, goals he aims to accomplish and responsibilities he pledges to shoulder... that person must belong to a public group or party which has the organizational and managerial power that can divide tasks, and divide the work and stands on stages, in order to reach definitive results in achieving a direct or future strategy.

Hence, the idea that the human being belongs to a public association is a question of the human being's need to actualize the relationship with others, according to a studied and organized plan that embraces all energies and capacities, and that investigates thoroughly the various stages in order to attain its objectives...

Q: What is the role of the authoritative power from which the party obtains the legitimacy of its practice?

A: The issue of where the party assumes its legitimacy from must be studied carefully. If we consider that the religious authority emanates from the jurisprudential authority, then it is natural for any party to associate with such jurisprudential authority to secure its legitimacy, since it is what possesses universal authority, according to those who believe in the theory of the Guardianship of the Jurisprudent, while those who do not seek to follow the jurist's Fatwas in the areas he issued the Fatwas for, so as to ensure their legitimacy.

But the problem we are facing in the reality of the jurisprudential authorities is that, regarding their organizational structure, those authorities were not founded on the basis of embracing the Islamic movements' activity in the political arena or the Islamic activity in the cultural field or in any other domain. The religious authority is still an individualistic entity, which does not set from a comprehensive plan; but rather, it

decides on its moves according to the nature of the urgent situations dictated by some specific occasions. As a consequence, the relationship between the party and the jurisprudential authority becomes dependent on the jurisprudential Fatwas, if the person who leads the Islamic party was not a jurisprudent who has the right to issue Fatwas and state his opinion with relation to all other opinions.

The same thing applies to the powers of Wilayat Al-Faqih. This did not reach the stage of creating the various and suitable atmospheres, which can embrace the political, social and cultural positions of the movement except within a narrow framework. Therefore, this relation between the Islamic parties and the jurisprudential authorities, whether within the context of the jurists' rule or the context of jurisprudential Fatwas, turns out to be a theoretical matter that drifts from the elements of reality, if we wanted to look at the issue as an organic and practical connection.

On this basis, I believe that the party has to acquire the legitimacy of its movement by establishing a relationship with the jurisprudential authority or rule in one way or another; but at the same time, it has to have a leadership or a quasi-jurisprudential leadership that establishes harmony and balance in its movement, on both the theoretical and practical levels.

In short, if the jurisprudent did not enjoy an effective

and executive power over the movement of the Islamic reality; but he has, on the other hand, the legislative authority - meaning that he can issue Fatwas - in such case, he can exercise no power over the party and his orders will not be binding for the latter - like those orders rendered by ruling jurisprudents - because he is not part of the absolute rule. His role would rather be restricted to guiding, orienting, advising, and issuing Fatwas concerning the causes of the party.

Then again, if the jurisprudent did actually enjoy the power of taking effective actions in the Islamic reality, according to the theory of the Guardianship of the Jurisprudent, and he did have the bodies and systems that can work with the Islamic organizations and parties, it would be natural, then, that the relationship with him - according to this theory - turns out to be a relationship with the legitimate Islamic leadership that directs people in their moves and actions, towards the right Islamic path in life.

Subsequently, the issue must be arranged in a way that would be compatible with the approach adopted by the ruling jurists and the course followed by the party or the organization in the fateful and momentous cases, pertaining to the position that is being defended or worked for and the position that the party is interested in and acts according to.

Q: What shall a party member do with regard to this

question if he emulated a jurisprudent that believes in the concept of the "Guardianship of the Jurisprudent" or a jurisprudent that does not?

A: Actually, he might be able to join both opinions. The member who does not believe in the "Guardianship of the Jurisprudent" must examine the nature of the issues pronounced by the jurisprudent guardian. If those issues were forbidden according to the authority he emulates, then there is no question that he should not adopt or follow them, unless they can be studied from another angle (secondary considerations) that could make them necessary or allowed. But if they were not forbidden, meaning, if they were lawful and permissible, and there were some Islamic interests that necessitate them; in this case, he must follow the jurisprudent guardian in this respect, not out of observance and obedience to his rule, but out of the obligation to fulfill whatever represents the supreme Islamic interest.

Q: What is the religious ruling regarding the execution of martyr operations?

A: Carrying out martyr operations represents one of the means of Jihad in the face of the enemies. Allah, the Most Exalted, charged Muslims with Jihad. When the Shariah-based conditions are met, the Muslim is bound to carry out all the means that inflict damage and sufferings on his foes, and that put Islam on the right track toward achieving the major goal. Those who

disapprove of martyr operations might set forth the Glorious Quranic Ayah which says: **"And make not your own hands contribute to (your) destruction"**, (02:195), and consequently claim that any operation in the process of which man knows, in advance, that it will lead to his death is considered to be a suicidal operation, and suicide is forbidden in Islam.

Nevertheless, this Ayah was laid down for the individual practices in committing suicide and it does not include the issue of Jihad. In fact, the Jihad is based on exposing oneself to danger or 'destruction' and that means endangering oneself, whether the person was certain about achieving the great cause or not.

Actually, fighting against the enemies in defense of the cause of Allah, the Most Exalted, and throwing oneself into peril, knowing that perishing is very likely to be the outcome, is what the fighter for the cause of Allah should do. As a matter of fact, the freedom fighters (Mujahideen) do not hesitate in exposing themselves to danger, if embarking on Jihad requires so and the battle attempting to achieve the great goals necessitates attacking in order to kill as many foes as possible.

Therefore, if the leader in charge saw that in order to achieve the goals and to realize the victory of the Islamic cause, the battle needs from the Mujahideen to blow themselves up in the enemy; the operation would then be categorized under Jihad. Allah, the Most Exalted, did

not fix a specific means to carry out Jihad; nay, He left this matter to the leader who supervises the battle, so that the latter would take into consideration the known, as well as the unknown measures or steps that have to be taken during the process of Jihad, and upon which depends the victory of Islam and the safety of Muslims... etc.

On this basis, we believe that the proof on the legitimacy of Jihad confirms the legitimacy of the martyr operations, in case the military conditions that would lead to positive results were available, exactly as we can regard duels, military attacks... etc.

Q: Who is responsible for deciding on the necessity of carrying out martyr operations?

A: Obviously, those would be the expert people of the authorized leadership that designate and direct the Mujahideen who perform the martyr operations; just as such leadership used to send soldiers for duels (as in ancient times), or as it sent soldiers to carry out any other form of Jihad. When this leadership wants to set or draw a plan, it would be normal for it, then, to turn to people of expertise for consultation. If those people, after studying the subject thoroughly and from all its angles, found that the plan is firm and reliable and that martyr operations are necessary, they would give the order of resorting to such operations in the battle.

Q: A prevailing opinion says that martyr operations

are forbidden in the primary consideration; however, the leader or the jurisprudent might see that there is a secondary consideration that renders them permissible... What do you say about that?

A: We have already spoken about the act of deliberately killing oneself and said that it has nothing to do with Jihad. Committing suicide emanates from an individualistic state, appearing as a result of an emotional, financial, psychological or any other trouble. That is why we do not regard martyr operations as forbidden, in the first place, because it comes under military plans and actions decided by the supreme leader, just as he decides on attacks, duels, ambushes, or any other forms of military tactics.

The leader sets the plan and then commands the senior executive leadership to carry it out. Moreover, we find no difference between martyr operations and any other military attack or defense with regard to the order or authorization needed from the leader or the commander because no Muslim soldier is allowed to take decisions of carrying out Jihad on his own; nay, he must follow the orders of his leadership, because only this leadership can make any order of Jihad legal and can authorize its implementation.

Q: What is the religious standpoint of a devoted individual who finds, in the movement he is part of, some opportunists and profiteers who might occupy influen-

tial and important positions in the leadership of the movement?

A: This subject must be studied carefully and objectively, because the Islamic movement or any other Islamic organization or gathering belongs to no single body in particular; it rather belongs to Islam and Muslims. So, if there were some persons trying to take advantage of the movement or the action to employ it for their own personal benefits; we must then work, from inside the movement, on preventing them from doing so, by any means that can resolve this problem without obstructing its course of action. Actually, we believe that no movement which possesses the legitimacy of existence and the members of which possess the legitimacy of belonging should reach a deadlock, due to some problems; indeed, the greatest results and the supreme Islamic interest should be the ultimate aim. Hence, a member of a party or movement should not draw back if it happened that he faced some problems. Truly, what he ought to do is to work with all the devoted members in order to deal with these problems successfully.

Nevertheless, when those people go too far in their misbehaviors to the extent that they completely take over the movement, turning it into one of their personal tools, where Islam becomes alienated from it and where no chance of being reformed in the future would be left; it goes without saying, then, that the true believer would want nothing to do with this movement, because it is no

more an Islamic movement; it is nothing but a certain body belonging to a certain person or party.

However, we must look into this issue thoroughly, because sometimes psychological troubles might make a person think that he is motivated by the best interest of Islam, while his actions prove to be based on his personal and internal interests, just as a certain leader might be driven by his personal positions and convictions. In case hope was not nil - even if it was a very distant hope of achieving any change - the member of the movement can cease his membership for an unspecific period, until the chances and elements of changing his movement to the best become available.

Relationships with Non-Muslims

Q: Some people believe that establishing relationships with non-Islamic parties is a form of concession of principles. What do you think about this?

A: The question of concession is related to the intellectual or executive (practical) aspect in a negative way. Actually, when we find that Muslims and secularists are working together, in order to achieve some common objectives imposed by a specific period of time or specific circumstances; in such case, we do not see any concession, since collaboration, coordination and alliance are taking place for a mutual objective between the two parties, and the slogans of the said objective

represent those of both parties. A typical illustration of this is the state of confrontation we are living, nowadays, with Israel or the arrogant world, whether in our countries or from our general Islamic positions. Under the prevailing circumstances, we might find that we are in agreement with some people with regard to the fight against international arrogance or the battle against Israel while still keeping our principles and making no concessions whatsoever. That is, those people are seeking to attain the same goal we aspire to, sharing with us the same slogan, which is destroying or weakening international arrogance and annihilating Israel.

Once again, I say that working hand in hand with those people does not involve any concession, because it is just like sharing with someone, with whom you disagree, a particular line or course of action that heads for the same desired end.

Some people might claim that cooperating with a certain party that does not adopt Islam as a religion, or that even abides by the rules of a line or pattern that is different from that of Islam or opposes it, represents an admission of the legitimacy of the latter as a political line or party. As a matter of fact, we do not believe so, because when we examine the alliance or the collaboration between the various parties outside the scope of Islam, which differ from each other in terms of ideology, conditions, relations, backgrounds, as well as numerous

details, we find that none of them acknowledges the legitimacy of the other in the intellectual and political meaning of legitimacy; however, they work and act with each other from the perspective of admitting each other's actual existence. And admitting the actual existence does not mean admitting the legitimacy of ideology, relations or the like, because, in this respect, matters are viewed realistically.

Hence, we do not see in collaborating with secularists over issues that aim to achieve a common and circumstantial goal, deal with some affairs and serve some general slogans that happen to be ours as much as they are theirs an admission of their legitimacy or a concession of ours. We rather regard it as an acknowledgment of their actual existence, exactly as one recognizes the actual existence of a particular person with whom he meets on some specific objectives, while he contradicts him in thoughts or ideology.

Therefore, there is no problem, in principle, with respect to this collaboration or alliance, as long as the ultimate goal is mutual. However, Muslims must be aware and careful not to let others exploit them in order to attain what goes beyond the common goal and not to let them display their distinctive slogans that symbolize their own line because this might negatively affect the Islamic line. This particular point is more related to the tiny details of the frontline, allied or coordinated activities. So, when we examine this question in

principle, we find that the origin of the alliance, collaboration or coordination involves no kind of intellectual or practical concession.

The bases of dealing among Muslims

Q: What are the basics and fundamentals of the work or alliance between Islamic parties or Islamic figures? Does a simple disagreement in viewpoints affect the justness or the morality of the other party?

A: When we want to work together with other Muslims, whom we might disagree with concerning some detailed points of view but whom we agree with at the same time over the basic principles, it is natural that we treat them the way a Muslim should treat another Muslim. He is not allowed to insult or revile him, calumniate or accuse him unjustly, betray or disappoint him, or make spiteful or slanderous comments about him, while he is not present. Thus, we must act according to the positive, as well as the negative Islamic moralities in this respect, which means that we should be aware of what should be done and what should not, what is lawful and what is not, taking into consideration what represents an element of deviation in this party or the other or what represents a transgression that a certain party should detect in the other. Such issues must be studied according to the "conflict of interests" principle,

meaning that the greatest and supreme Islamic interest might necessitate weakening the position of this person or party, even if that means weakening his or its social status or so.

In such cases, man must adhere to the Islamic laws and principles as to the general behavior or the incidental cases which are governed by the principle of conflict between good and evil, where one faces what is important and what is more important. So, if, based on those laws and principles even in their secondary considerations, a certain Muslim adopts a negative comportment with regard to another Muslim, as a result of the most important predominating over the important; in such case, his justness does not cease to exist. On the other hand, if a Muslim deviates from the Islamic law and tries to make advantage of the absence of another Muslim, so as to slander and traduce him, affront or accuse him falsely, where the absence of the latter does not come under the exceptions of slander and there was no Islamic necessity imposing the carrying out of such thing, it would be natural, then, that such behavior imparts the human being with the quality of the immoral instead of the just person.

Hence, we should follow this mode of behavior in all our dealings with Muslims, whether inside or outside the framework of parties activities and attitudes. We must

treat them according to the ethics and moralities of Islam.

Q: But does this not lead to another problem? Each party could find excuses to justify its negative behavior towards the other party being convinced with its own point of view which, naturally and definitely, differs from the standpoint of the other party that could also provide enough reasons to explain its own attitude. How do you respond to this?

A: In order to justify the behavior of this person or the other, one's position must be based on the Shariah and religious principles, and not on his personal temperament or whims. In fact, the question of the important and the more important as to carrying out good or evil must be subject to an objective study that examines the various aspects of the issue in accordance with their actual existence.

What we are trying to talk about here sets out from the emotional, temperamental, or factional attitudes which perceive only the negative attitudes of the other party and refuse to look at the good aspects; and this is something that has nothing to do with Islam because in his definition of fanaticism, as reported in some traditions, Imam Zein Al-Abideen (a.s) said: *"The fanaticism which turns a person into a sinner is when the latter considers the evildoers of his people as better than the good doers of other people. Verily, fanaticism is*

not about a person loving his own people; it is rather about a man supporting his people in their oppression"[1].

Q: Does a party have the authority to forbid one of its adherents from establishing a relationship with a person or a party with whom or which it is at variance?

A: Indeed, if the commitment to the party is binding on the human being. As for his Islamic obligations or in terms of the existence of a supreme Islamic interest beyond this commitment, it is natural that he abides by the orders of the legitimate leadership if the party's leadership is legitimate. On this basis, if he was commanded to carry out some deeds which were related, neither to enjoining a certain illicitness nor to forbidding a certain obligation or duty, but on the contrary, they were lawful and preferable, yet they were regarded as illicit according to the emergence of some secondary considerations, then, he must fulfill and comply to them in conformity with his commitment to abide by the instructions issued by the legitimate leadership.

Q: If it was the other way round, and the party ordered me to meet some parties or persons with whom I disagree or I do not feel comfortable with; should I implement the instructions or not?

(1) Wasa'il Ash-Shia, tradition N◦ 20778

A: You ought to comply with the commands of the said party if the order was issued by the legitimate leadership which you have promised to obey and by the orders of which you have pledged to abide.

Yesterday's foe, today's friend

Q: What is the religious stance with regard to famous political sayings such as, "yesterday's foe could be today's friend"?

A: The question of enmity and friendship could be dealt with as a matter of principle when trying to assess a person's attitudes and decide whether they are with or against another human being. An example on this could be the question of belief and unbelief; it goes without saying that unbelief is the enemy of belief, and consequently antagonism arises between the disbeliever, being in the position of a disbeliever, and the believer, being in the position of a believer. So, what we actually have is an enmity of a line to a line, a principle to a principle, and not of a person to another person. Nevertheless, sometimes, the interest of belief necessitates that you establish a relationship - and I do not imply here the friendship in the spiritual meaning of friendship - with a disbeliever, because by doing so you would be serving the benefit of Islam and belief. Take for instance the relations established between an Islamic state and a disbelieving one; such relations are founded and nourished because of the economic, cultural,

scientific and technological benefits that could be found in a certain state and not in another.

Hence, you might need to meet up with a disbelieving party who agrees with you on confronting another disbelieving party which could be far more dangerous on Islam and Muslims. Sometimes you might find yourself unable to fight a certain party on your own; in such case you could surely use the help of a specific party or person in order to put an end to any imminent threat or danger. So, when you are facing a case where the greatest Islamic interest is at stake, you are allowed to be engaged with a certain party in a friendship for a political, economic, or any other purpose. What is unlawful in Islam is to love and support those who resist Allah. Supporting and loving are based, in fact, on the depth of the spiritual openness vis-Á-vis the other with all the characteristics of openness. Therefore, loving and supporting those who resist Allah turns out to be openness to unbelief, representing a sort of slackening towards the unbelief of this person or the other and an issue that goes against what the following Glorious Quranic Ayah clearly expresses: **"Thou wilt not find any people who believe in Allah and the Last Day, loving those who resist Allah and His Messenger"**. (58:22). As a matter of fact, there is a difference between love which sets from the depth of feelings, faithfulness and loyalty, and fellowship that entails association and cooperation; a relationship that could be called friendship politically speaking. So, a

person could be politically my enemy because he stands on the opposite side which opposes, in reality, the supreme and highest Islamic interests; nonetheless, tomorrow, he could turn out to be my friend when circumstances and conditions oblige him to alter his stance from the old opposing one to the new opened one. Accordingly, there is no problem with regard to this particular point of the issue in this respect.

Q: Some states ask for private and confidential information about some active Islamic movements under the claim of consolidating cooperation with them. Where can we set the boundaries of delivering information to such states in a way that we do not inflict the concerned movement with any damage or harm while preserving the atmosphere of intimacy and good relations?

A: Actually, this is one of the matters that require a detailed study. One must be able to notice and detect the traits or characteristics of the said state: Can it be entrusted with one's secrets or not? Does the fact of opening up to it redound to the benefit or the harm of Islam? Accordingly, the same reasoning must be applied at the level of your movement. Decisions must be taken in the light of what represents the best interest of Islam and Muslims. A comparison or an assessment must be carried out between the interests of your movement and the interests of that state, so as to find out whether they are higher and more important than yours with relation

to the Islamic reality or vice versa? Thus, the issue of delivering information must be studied in view of the necessity to deliver them. And if such necessity exists; then you should look for the size of information that does not endanger the Islamic reality when delivered.

Q: How can we deal with the Muslim states that collaborate with our enemies?

A: Obviously, extreme caution must be observed in the relations with such states. The fact that these states have contacts or dealings with our enemies might actually end up in serving them. Establishing relations with such states could strengthen the positions or statuses of the enemy and reinforce its economy or security. Therefore, we should deal with those states in compliance with what our binding and predominant interests impose, making sure that the positive results of this relation exceed by far its negative ones. From this perspective, we find no problem in dealing with those states. Furthermore, it could be that we may deal with them even if our enemies found a way to take advantage of this dealing, in case that does not expose us to risks or dangers.

Q: Does an Islamic party enjoy, similar to a state, the right to make contacts with whatever country or political entities it wishes to? Knowing that some opinions find this matter dubious and problematic, taking into consideration that the capacities and abilities of the

party are smaller than those of the state, rendering it less capable of facing those of a state, especially when the state's potentials are enormous?

A: When a party or a movement wishes to establish relations with a certain entity, it is very natural that it embarks on examining this step thoroughly. Does it have a chance to cooperate with this state without being contained by the latter - if the latter was not an Islamic state - and without being drawn to take part in its plans and negative attitudes and pretenses towards Islam? Let us assume that the said state was an Islamic one; this does not mean that no other problem could arise because there could be some differences between the party or movement and the state. In such case, the party or the movement might be obliged to merge with the state or to interact with it from a position of weakness; and that, in return, could harm the great causes it represents. So, such move needs to be studied comprehensively. And while sometimes you find that such relations could be useful and harmless; some other times, you might find that it is necessary not to establish such relations right from the beginning in order to preserve your position, even if that resulted in losing some powers.

Actually, this question pertains to specific matters that have to do with the relations between a party and another state, be it Islamic or non-Islamic. It is one of those questions that cannot be dealt with in details; but rather, as a general guideline of representing the best

interest of Islam and Muslims and that moves in accordance with the way things are taking place in the real world.

Q: What do you think about what is being proposed today with regard to the call advocating for normalization between Islamic movements and non-Islamic regimes? Does that not contradict what we know about the Imams' (a.s.) attitudes regarding both the Umayyad, as well as the Abbasid dynasties, knowing that both of them had raised the slogan of Islam?

A: Normalization with regimes, in the sense of opening up to them and legitimizing them, and consequently leading to ending the rejection and the denunciation that each person inwardly embodies towards the unlawful rule, is something forbidden largely and particularly, because we should not recognize the legitimacy of any party that enjoys no legitimacy. That is what we clearly infer from what has been mentioned in the traditions reporting the Imams (a.s.) who ordered people to avoid establishing relations with the oppressors, even to the extent of not renting them camels for pilgrimage, not because the act is unlawful in itself, but because it might seem a sort of spiritual openness to them; and that was mentioned in the conversation that took place between Imam Moussa Al-Kazim (a.s.) and Safwan Al-Gammal who rented his camels to Harun. The Imam (a.s.) addressed Safwan and said: *"Do you not have this wish in your heart that may*

Harun come back alive from this journey so that you may get back your camels and their rental?" Safwan: "Yes, O Imam". Then, Imam Moussa Al-Kazim (a.s.) said: *"O Safwan, he who wishes the tyrants to live longer will be counted as one of them".*(1) Therefore, the human being must conclusively infuse in his mind and heart the illegitimacy of the illegitimate rule.

On the other hand, if the justification for dealing with the above mentioned parties was set forth based on people's general needs and on the surrounding facts which, sometimes, oblige man to deal, coexist and cooperate with the illegitimate ruling entity when it comes to mutual objectives and causes; such interaction becomes permissible when the advantages and disadvantages to the general Islamic reality are taken into consideration. It is the same situation as the truce announced, at any particular period or stage, by the legitimate rulers or leaders who deem it necessary to freeze the state of war between legitimacy and illegitimacy.

Moreover, it is natural that this opinion remains under those flexible considerations which decide on the nature of an act differently according to the changes of the objective circumstances dominating the issue; meaning that if it is a negative thing to do today, tomorrow, it could prove to be positive. Hence, you cannot deliver a

(1) Wasa'il Ash-Shia, tradition N◦ 22305

conclusive judgment refusing such kind of acts, nor can you express your absolute approval. In principle, as you are faced with such situation, one's first reaction must be an emotional, intellectual and realistic rejection so that he would not sympathize with he who has no legitimacy. However, when subjected to some specific circumstances, the question must be considered carefully and then settled with regard to those objective factors and conditions.

Q: What do you think of the saying that such kind of relations is permitted, except with the United States of America and Israel considering that they represent the principal antagonistic entities and regimes against Islam?

A: I say that Muslims can establish relations with all the countries of the world, provided that those relations are based on the Islamic interests that are common with others, in a context of mutual respect and under the normal relations which would be governed by what Muslims need from others. The United States represents, in the meantime, a state that expresses hostility and antagonism toward Islamic ambitions; however, when the latter changes its policy, relations could be established with it on the above stated bases.

As for the entity of Israel, relations can never be established with it, even if it changes its policy because the pillar upon which it was founded is illegitimate, for it has usurped the land, as well as the human being, in order

to establish itself. Therefore, a comparison can never be drawn between "Israel" and any other country with respect to this point because the "existence of Israel" was founded on the rubble and wreckage of the Palestinians, and if we want to describe the reality of the Jews in Palestine, we would say that they are the people who expelled another people from their own land in order to take their place. And so, no Muslim could ever give Israel legitimacy, since usurping a property by force is Haram in Islam: **"And never will Allah grant to the unbelievers a way (to triumphs) over the believers"**. (04:141).

Q: Assuming that Israel abandoned its current policy and restored the right to each claimer, and returned the Palestinians, without exceptions, to their homes and towns, and accepted that the rule should be laid down on the basis of a general public poll and free elections... Could this entity then be regarded differently?

A: Well, the Jews who came from different sites of the world must return to wherever they were, and the Palestinians who were wrongfully expelled from their own homes must be returned to their land. Then, the Jews who have emerged originally from Palestine can stay and try to find a way to live and coexist with the Muslims and Christians in general. We, Muslims, believe that the rule must be in the hands of Muslims, as much as that is manageable; however, if that proves to be unreachable, we must then work towards finding a

realistic formula on the basis of the lesser harm and the lesser evil.

Q: Do you not think that insisting that the Jews should return to their previous homes represent a kind of violation to the right Allah had bestowed on human beings; that is, to live wherever they want?

A: No, I do not, because they have founded their entity on the remains of another people. When Jews flowed towards Palestine, the latter was not barren to give people a reason to think that it is lawful or permissible to declare its appropriation; nay, it was an inhabited land where Palestinian people owned the properties. And those Jews - the Jews who are not originally from Palestine - who came from all over the world seized and occupied the land of Palestine, which renders their being in Palestine illegitimate. As a matter of fact, you have the right to dwell in any land you want, but you have no right to seize the homes of others and put your hand on their lands. As for the story which says that Palestinians could sell their lands for the Jews and get a good compensation in return; well, this might be permissible in the primary consideration. However, in the secondary consideration, if such an act led to the control of unbelievers over Muslims through taking hold of their sovereignty and lands; indeed, that would be unlawful and definitely unaccepted.

Q: Does the leadership of the state or the party have

the right to decide on whether to establish relations with a certain party or not; or is this a matter that requires the consultation of the jurisprudent guardian or the religious authority?

A: In such cases, the authority figure whose legitimacy is based on the religious aspects must be consulted. On the other hand, the said authority figure must not be arbitrary in his decisions or opinions, especially with respect to the matters in which he has no significant experience; otherwise he would lose the justice upon which his jurisdiction should be founded. He must refer to the experts who could determine the good (advantages) and the evil (disadvantages) in this regard, whether the question was at the level of the relation between two states or at the level of the relation between an Islamic movement or party and another state or party. Accordingly, we must resort to those who are endowed with legitimacy, and it goes without saying that between a jurist and a non-jurist who both had treated the issue, the opinion of the jurist remains more reliable, provided that he decides on his actions and attitudes after discussing the said issue with the people of expertise.

The limits and specifications of the just state

Q: What are the limits and specifications of a just state? And what is the difference between such a state and an oppressive one?

A: The just state is the one that enjoys a legitimate leadership, according to the understanding and characteristics of a legitimate leadership defined by the various jurists in this context.

The just state is the one that enjoys a just law, meaning that it goes in conformity with the Islamic Shariah.

The just state is the one in which rules and judgments are rightly and justly implemented, meaning that observing people's abidance by the law must be carried out through just and legitimate means.

The oppressive state is the one that has no legitimate leadership, no Islamic law and no Islamic practices.

Q: Generally speaking, can we consider the state that people had democratically chosen and recognized a legitimate state or not?

A: This issue varies according to the different jurisprudential lines concerning the question of legitimacy. In fact, if we adopt the principle of consultation as a way and mode of ruling that represents legitimacy, then the leadership of the state must be elected through the process of consultation; that is, the said leadership must be principally and firmly based on the said consultation. Sometimes, the result of this process could meet people's consent on a certain person who fulfills the required and adopted legitimate specifications. The core issue is not about people choosing whomsoever they deem suitable or favorable, for he, actually, might turn out to be an

unbeliever who does not embody the legitimate requirements that have to be found in the ruler. Therefore, people's consent does not generate legitimacy; and even if we resort to consultation, the leadership must meet all the required standards and conditions that need to be present in a ruler.

Embracing the principle of the Guardianship of the Jurisprudent, however, means that the jurisprudent must be scrutinized by people in order to determine whether he, amongst all other jurisprudents, is worthy of being appointed to their leadership. So, the jurist has to obtain the acceptance and unanimity of people, because this is the standard that furnishes his rule with effectiveness or value, gives him authenticity as a ruler and makes him the authority that ought to be obeyed as in conformity with the principle of the Guardianship of the Jurisprudent.

Therefore, we do not believe that the governments of the current regimes could be considered as just governments, because their leaderships do not enjoy legitimacy, according to the recognized jurisprudential specifications. Besides, the law in force is not an Islamic one, not to mention that the way the law is implemented on the ground does not comply with the Islamic conceptions and standards.

Q: Let us say that there is a state that raises the slogan of Islam, but does not comply with some Islamic laws

such as dealing with usury, and does not observe the Hudud (punishments) stipulated by Allah... etc. Do we consider such a state a just one?

A: If the fact that it does not abide by some of the Islamic religious laws is the result of a compelling circumstance that provides a religious condition based on the laws of the competition between interests (Masalih) and harms (Mafasid); that does not deny the said state its Islamic mold because its non-Islamic behavior is imposed by a temporal Islamic strategy. As for the case when the state does not comply with the authority of these laws, this does not deny it its Islamic characteristic either. However, it would be considered a deviating state, which means that it is an Islamic state which deviates from what is right in relation to some of its laws. This deviation might take the form of subjecting the Muslims of such states to the non-Islamic Personal Status Law, which is regarded as an act of unbelief. As for subjecting non-Muslims to the above stated law - with respect to their laws - it is governed by the covenants concluded between Muslims and others.

Breaching the laws of a state and transgressing its properties

Q: When is it permissible to violate the laws of the state or to rebel against it? And is it lawful to transgress its properties?

A: We do not issue any Fatwa that permits taking over

the properties of an unbeliever, be it a state or a person. As for rebelling against the laws of a certain state; well, if this state oppresses its people and Muslims were part of that people; on that account, Muslims have the right to fight to overthrow the government or the ruling power. However, Muslims must not contravene the codes and regulations of the country they are living in, if that would disrupt the general order; all the more so, they could be forbidden from doing so.

Q: Some jurists deem it permissible to transgress the properties of a non-Islamic state and to take possession of it after obtaining the authorization of the legitimate ruler, considering that those properties belong to an unknown owner. What is your opinion?

A: We have two conflicting opinions with regard to the issue of the properties of a state. The first one restricts the property to the sound and chosen person. It further implies that the body corporate or legal persons, such as states, organizations, parties or mosques have no possessions. Thus, the so-called properties of the state do not actually belong to the state, because the latter represents a moral entity; and consequently, it does not enjoy the ability of ownership. On that account, the properties are considered to be belonging to some unknown owner, and in such cases the fate of this kind of properties is left to the Islamic judge to determine.

On the other hand, the second opinion maintains that

a state can own properties; however, the official and formal approval of the Islamic judge must be obtained so that those who run the country would acquire the legitimacy of establishing relations and closing up transactions. If the state was not authorized by the Islamic judge, it would not actually be legitimate and, in consequence, it would not own any property; and if it did, such ownership would be deemed illegal and fall under the classification of the properties belonging to an unknown owner.

Nevertheless, when jurists find that the properties of the state are of an unknown owner in both of the above mentioned cases, they do not authorize their followers to transgress or dispose of the state's properties, especially if that might lead to public disorder and chaos.

A third opinion believes that there is no difference between the state and any other person with regard to owning properties. It, furthermore, upholds that there is no distinction between actual human beings on the one hand, and moral entities, on the other. From this perspective, this opinion says that the state owns properties because it represents a recognized artificial or juridical existence well-established inside our mind and conscience. Therefore, whenever we speak about evidences proving that the property owned by a person or a party must be respected, the properties of the state would also be included and implied.

Q: Where do you stand from the three aforementioned opinions?

A: On the one hand, I believe that states have possessions and the properties belonging to a state are regarded as those of an identified and known owner. On the other hand, I think that the properties of the state are different, even if we say that the properties whose owner is unknown are left to the Islamic judge to decide about. In fact, we could say that the properties of the state are the properties of the nation, and based on that, we must refer to the Islamic judge in his capacity as being responsible for the nation's properties, and not in his capacity as being responsible for the properties whose owner is unknown.

Jurisprudence of Elections

Q: If the jurisprudent guardian (Al-Wali Al-Faqih) is considered to be the person who makes the final and definite decisions with regard to selecting the administrative body of the state (according to the theory advocating the Guardianship of the Jurisprudent - Wilayat Al-Faqih); what is the need then for carrying out elections?

A: Since the jurisprudent might find it useful to consult people about the issues which are tightly connected to their lives, he might discover in people's opinions the crucial elements of the issues he wants to deal with. Indeed, it is natural that people would be asked for their opinions and proposals with relation to the issues that cut to the heart of their lives. For this particular reason, Islam regards consultation as a defining feature of the Islamic society; it also went to the extent of asking the Prophet (p.), who needs the advice of no one, to consult people and to judge accordingly. Therefore, the theory of the Guardianship of the Jurisprudent does not mean that the jurisprudent acts and behaves according to his own thoughts and convictions only. Actually, the last word would still

remain his, yet after consulting people with respect to their affairs through polls and elections that are considered as a means of consultation.

Q: Can the majority vote give legitimacy to whoever receives it?

A: The majority vote does not necessarily represent legitimacy. However, when the purpose is to discover people's opinions, and when public interest lies in taking people's decisions into consideration, then the majority might prove to be the best choice in the absence of another alternative.

Q: Do you think that the issue of vote and election resembles the notion of pledging allegiance in the Islamic law?

A: It might not be a pledge in the conventional meaning of a pledging allegiance, because the latter were traditionally made in favor of a certain leader who was to undertake the position of a caliphate, a presidency, an Imamate, or a prophecy. It is not concerned with a person trying to occupy a position in the legislative body to approve and ratify people's laws, pacts and treaties with others. According to the elector, election resembles a proxy, where candidates assume the role of the agent who represents and manages the affairs of those who authorize him. Nevertheless, although it is similar to a proxy, it also embraces the meaning of pledging allegiance, because whoever pledges absolute allegiance

to a person would be authorizing him to handle the absolute rule. So, when the elector authorizes the candidate to manage the rule unconditionally; he would be then authorizing him to make, on his behalf, all the decisions he deems necessary and to sign whatever treaties and agreements related to people's public lives.

Q: There is an Islamic opinion claiming that elections are illegitimate, considering that they might undervalue the right of the minority which might reach 49%. What do you say about that?

A: Some people regard democracy as the less defective regime and not as the best of all. Democracy is based on the rule of the majority, which could very likely be ignorant, deviating or backward against an aware, educated, and honest minority. Consequently, the outcome of democracy will not be that of establishing justice and pursuing the best public interest. If some people say that they can fix democracy by means of democracy, this might not lead to the decisive and desired results in this respect. Hence, as Muslims, we reject democracy, theoretically, given that its idea of representing legitimacy is based on the concept that the majority endows legitimacy on lines, beliefs, politics, laws, and so on, at a time we all know that the Islamic legitimacy in all its perspectives and aspects sets from the inspiration of Allah and from the words of His Prophet (p.).

On this basis, we do not believe that democracy is the basis of Islamic legitimacy. However, the majority can play a major role in electing a leader from among the numerous capable jurists, or a president for the state... etc. Elections can actually be an effective solution when a certain problem arises and no practical means other than resorting to the identification of the majority could be possible. Thus, at certain times, we can turn to the majority for help in dealing with a certain problem, considering that the majority could be a confirmation of consultation, when it acts according to some specific conditions and within a specific scope, and not in the sense that it represents right and justice.

Democracy is not an Islamic line at the level of making and deciding on laws and rules. Actually, laws and rules must be discussed with the Followers of the Remembrance and the authorities entitled to make derivations and deliver rulings. Nevertheless, when it comes to some public affairs related to the election of rulers, presidents or members of the consultative council (Shoura), it would be acceptable to carry out elections, not because elections have legitimacy in this respect, but rather because it would represent the best feasible means to maintain public order.

Q: What is the alternative proposed by those who reject the principle of elections from the perspective of religious legitimacy, in case those who run for presidency, consultative councils... etc. were numerous?

A: We said that this matter involves two points. First of all, we have the question of legislation; that is, the promulgation of laws, and such matter cannot be settled by returning to the majority that has no experience in jurisprudential issues. The question must, rather, be handled by the experts in this domain. In case such experts were numerous, a person or a group of people must be appointed to deal with this task by means of consultation which, in order to decide on the issue, adopts either election or designation. If a dispute emerges between the people of consultation, the solution would be to carry out elections; whereas, if the best interest necessitates designation, then designation is the solution. Therefore, the issue, as a whole, must be referred to the people of expertise.

As for the executive aspect of the question, we can approve recourse to the majority by means of elections, after furnishing it with some elements that render it a form of consultation, in order to decide on the state's ruling body or person or the people who undertake the task of the executive authority.

Q: It is known that in democratic regimes the Parliament has a legislative role, which might not abide by the laws that Allah revealed. How does this conform to the Islamic regime? And what is the role of the parliament in an Islamic state?

A: The role of the parliament in an Islamic state could

be to investigate the realistic basis of the general needs that require the codification of laws and rules, regarding the empty zone (that encompasses the issues that were left for man to decide on). This is what the martyr Sayyed As-Sadr said, and he added that this codification should be left to the people of expertise, the Followers of the Remembrance, or the jurists. The parliament could, furthermore, undertake the role of finding out the religious ruling that applies to this case or the other, as well as working toward reaching the general rules and regulations. Therefore, there must be a kind of interaction between the Consultative Council, the Council of Experts, and the Guardian Council of the Constitution. Indeed, this is what has been implemented in the Islamic Republic of Iran where the "Majlis" - a single-chamber parliament - enacts certain legislations which might be rejected by the Assembly of Experts or the Guardian Council, if those legislations prove to be incompatible with the constitution that is based on Islamic jurisprudential principles.

Q: What is the ruling if a Muslim wishes to join the parliament of a secular state that does not comply with Islam in its ruling system?

A: In such case, the Muslim must find out if his presence in the said parliament could redound to the supreme Islamic interest. He must learn if the Muslims who live in that region need someone to represent them, look after their affairs, pursue their issues and make sure

not to allow the enactment of any legislation that could constitute an element that thrusts persecution upon them... etc. So, if there is a supreme Islamic interest in having a person or more in that parliament, such participation would be justified.

Nonetheless, when the Muslim becomes a member of such parliament, he must observe Allah's law in all the laws he approves and votes for or the laws he opposes and endeavors to preclude. Being a member in a non-Islamic parliament does not justify the act of a Muslim voting for and supporting a rule that does not conform to Allah's rulings. So, according to the general binding interest governing his behavior in that parliament, he could oppose a certain law, abstain from voting, and so on. It must be mentioned that he will not be held responsible for the non-Islamic legislations that are enacted by that parliament, provided that he had not voted for them.

Q: Are candidates authorized to prompt voters to elect them through materialistic means and temptations, such as offering services or money? And how would the electors of such people be regarded from the Islamic point of view?

A: The people who face such temptations should never give in to them, if they do not believe in this person. If a candidate has strong faith in himself, this does not mean that others should believe in him too. Each voter

must be seriously aware of his responsibility and examine the issue away from any tempting materialistic or moral benefits offered to him. He must be concerned with whether or not the said candidate possesses enough competence that enables him to acquire the legitimacy of occupying such position. If the elector concludes that this candidate is competent and qualified; then, there would be no problem in accepting the offerings and services presented to him, although we do not recommend that. Actually, taking into account some considerations and regards; sometimes, this act would be forbidden. As for when the voter finds the elector incompetent for the position in question; he must not choose him under any temptations whatsoever, neither should he take any money given to him; especially if he knew that the candidate is spending money on him with the purpose of acquiring his vote while, inwardly, he had already made up his mind not to elect him. Verily, in such case, the act of acquiring and taking the money is deemed illicit.

As for the candidate who wants people to elect him; we advise him to stay away from such tempting means, given that they involve immoral means in order to attain the desired objective, even if in his opinion, those means are honest and noble. Any candidate should declare his nomination in the right way; that is, by announcing his political agenda and revealing his goals and principles through which he could make people believe in him and

his program. As for having recourse to offering money and services; those are not rightful means. However, we do not see that offering money, helping people, especially the poor and needy people, and satisfying some people's needs and demands should be legally prevented, even if all of these actions redounded to the benefit of the candidate. In fact, what we hope for is that this candidate would keep on helping people out even after the elections, regardless of whether he wins or loses. Actually, all this would be dependent on whether the candidate believes that he enjoys the legal and religious competence and the capability of pleasing Allah, as he occupies this position.

Q: But can we not consider this way of giving money as a bribe that violates the general order?

A: We do not want people to get used to receiving money, in order to choose the moral and rightful thing to do, because whoever gets used to expecting money in exchange for saying what is right, he would be easily dragged into supporting what is wrong. However, we say that there is no problem from the jurisprudential point of view, if the candidate is competent and wishes to protect people from undergoing the pressures or the temptations of other people. In this case, he will not be forbidden from giving money to his advocators, in order to strengthen his relationship with them; and the money, as well as his election, would be considered licit.

Q: Is it permissible to participate in an illegitimate election under an unjust government or an oppressive rule, if refusing to participate would be regarded as a break of the law, and consequently exposes man's life to danger?

A: It is permitted if the elections were carried out through the ballot voting system, where man should cast a blank ballot as much as this proves to be possible.

Q: Do these elections and polls that we are witnessing, nowadays, give their elected presidents the legitimacy to be in their ruling positions?

A: They would be legitimate rulers, if they meet all the required conditions, amongst which are Islam, experience and piety. In other words, the simple acquirement of the majority of votes is not enough to give legitimacy. Certain religiously ordained standards must be found in the ruler with regard to the human qualities that qualify him for such position, because there is no legitimacy but for the one that Allah had furnished with legitimacy.

Q: When electors agree amongst themselves to support a particular candidate and decide to proceed with a campaign in his favor; does this negatively affect the religious legitimacy of elections?

A: If the candidate fulfills the requirements of a religiously legitimate ruler; it is allowed to elect him, even if through cooperating or working together according to a specific plan. Actually, the nature of elections follows

this pattern of deliberations and agreement between voting parties on a particular candidate leading consequently to his election.

Q: What usually happens during elections is that most electors have no clear and sufficient idea about the candidates; they rather embark on electing urged by their relatives and acquaintances. Does voting in such case fulfill legitimacy?

A: When we look into the question of elections, we find that when electors vote for candidates, they grant them an absolute authorization with no binding conditions. On this basis, electors must carry out careful and thorough investigation with regard to the ideological line adopted by the candidate, his religious commitment and his political approach towards local and foreign issues. Likewise, the elector would be held accountable for all the actions, be they negative or positive, carried out by the candidate, if the latter had won due to his vote. Hence, we deduce that people should not vote for a person that they do not really know. They must accurately verify the legitimacy of the intellectual, jurisprudential, political and economic line embraced by this candidate. Moreover, people must not elect a person or a council that might legitimize a rule that contradicts the elector's [act of] abidance by Islam in its rules, policies, economy, social standards, and so on. So, man must meticulously and comprehensively examine all the aspects of the issue, and consequently open up to

whosoever is devoted to Allah; and with regard to the enemy of Allah, he must not support him, as he would be held accountable, and Allah will ask him about such a decision on the Day of Judgment.

Electoral lists

Q: Electoral lists might involve some kind of forgery or deception because they might lead to the victory of some persons who would not have won had they not been included in this list, while causing the defeat of other persons, who might be a lot more competent, just because they were not on that list. What do you think about this?

A: We must shed light on the factors according to which the nation plays an important role. Therefore, we must study the nature of the votes given to this person or the other. Moreover, electors must know that they have to shoulder responsibility with regard to the choices they make in this respect. They must be able to choose; and when they do, they must define the basis upon which they made their choice. Furthermore, they must realize that the coalition between their party and another one does not justify their support for the other party, if they had no legal bases that allow them to do so. Hence, the fact that candidates establish blocs between each other is one thing; and the fact that people elect candidates is

another. People must only elect the person who proves to be representing the best interest of the nation and who adheres to the line he [the voter] believes in. On that account, we find that the issue is mainly related to the elector; the assessment of the legitimacy of his vote, his attitude, and his position with regard to all this.

Jurisprudence of Medicine

Limits and restraints

Q: Is it permissible for a doctor to disclose his patient's secrets?

A: If patients entrust the doctor with their secrets, such secrets must be kept the same way a trust of money is kept, and perhaps keeping a secret is more important than keeping money, because, if disclosed, the former would lead to enormous negative consequences on the part of the trustee.

Moreover, in some traditions, it is reported that the proceedings of meetings are trusts, and no one is authorized to disclose a secret hidden by his fellow human being, unless it speaks good about him. We can even say that if a patient tells his secrets to his doctor due to health needs, provided that the doctor would not disclose such secrets to anybody else, then the doctor is not allowed to reveal such secrets, especially if the patient suffers from a defect, whether physical or moral. Otherwise, this will be considered backbiting, which means uncovering a fellow brother's hidden defects.

Q: Is it permissible for a woman to consult a male

gynecologist who is more experienced and knowledgeable than other available female gynecologists?

A: If both the male and female gynecologists are equally qualified concerning medical and scientific abilities and methods of treatment, then a woman is not allowed to uncover her body before a male doctor. However, if the male doctor is more reassuring and experienced in treatment than other female doctors, due to his advanced medical equipment or his more qualified and reassuring method of treating women - especially if the woman fears from any deterioration in her health if treated by a female doctor - then this woman is allowed to consult a male doctor, even if female doctors are available. This has been cited in a tradition concerning this issue, which authorizes women to be examined by a male doctor, provided that he is more reassuring, qualified, and experienced in treatment. This has also been highlighted by Imam Muhammad Al-Baqir (a.s.) as reported by Abu Hamza Al Thamali, who said: "I asked the Imam whether a male doctor, who is more qualified and reassuring in treating women than female doctors, can examine the body of a Muslim woman who has a medical condition, such as fractures and injuries in parts that are impermissible to look at". The Imam (a.s.) said: *"Only if a male doctor is a necessity"*[1]. The Second Martyr quoted this tradition and others so as to deduce

(1) Wasa'il Ash-Shia, tradition No. 25512

that in the pursuit of treatment, rational sick people seek the most reassuring and most experienced to avoid harm; thus, it is allowed in this case only.

Q: What legal limitations and restraints should gynecologists abide by?

A: Any physician or gynecologist is not allowed to look at the private parts of a woman's body unless urgent treatment necessitated so. The body parts of a woman that are normally allowed to be shown are what could be revealed to both ordinary men and physicians... for, in general, a man is not allowed to look at the body of a woman except for urgent treatment. On the other hand, any ordinary person [and not only a physician] can see a woman's body in cases of emergency, such as drowning or fire.

Q: Upon delivery, is it permissible for a woman to resort to a male obstetrician in the presence of a midwife? What if the male obstetrician only supervises the operation, either live or through a television screen?

A: Delivery is similar to any other operation, so if a woman can give birth with the assistance of a specialized midwife, fearing no potential damage or disconcertion, then this woman is not allowed to resort to a male obstetrician, so as to avoid the exposure. However, this is permissible only in emergency cases when the supervision of an obstetrician is a must to assist the midwife upon delivery.

Q: Is the doctor's diagnosis and opinion of a patient's case, regarding fasting and other duties binding? What if the patient doubts the doctor's belief and religious commitment?

A: We can rely on the diagnosis of experienced and trustworthy doctors to determine if fasting will cause harm or not. But if a doctor is not trustworthy, a patient can decide whether to break his fast or not, depending on the degree of his fear of harm: if the doctor's warnings cause great fear of harm, then the patient must break his fast, because breaking one's fast is determined by the fear of potential harm, not by the actual harm itself.

On the other hand, if the doctor's warnings do not lead to great fear of harm on the part of the patient, then he is not allowed to break his fast, on the basis of the above-mentioned rule.

Q: Is a doctor allowed to prescribe a medicine which is potentially hazardous to presumably relieve his patient's pains?

A: This is permissible if the patient's pain becomes so unbearable that relieving it becomes a top priority compared to the expected harm of the medicine... But if the mentioned medicine causes the patient's body to be afflicted with great damage or deformity, which might expose the patient's life to danger, then it is impermissible...

Q: In some surgeries like loop setting and ovariect-

omy, which are still controversial among jurists, should the doctor abide by the rulings of the jurist (religious authority) he follows, or by those of the jurist his patient follows?

A: Naturally, the doctor has to follow the jurist he usually follows, because his acts are part of his job for which he will be held responsible. For instance, if a woman, who follows those who permit women to look at the private parts of one another, resorts to a female doctor, who follows those who forbid such an act, then the female doctor is not allowed to treat this woman, except in emergency cases. But if the female doctor follows a jurist whose Fatwas or opinions have not handled such a matter, then the doctor is permitted to treat the woman, if the latter follows a jurist who allows it.

Euthanasia (Mercy Killing)

Q: Who is entitled to decide whether to perform euthanasia or not; is it the doctor, the religious authority or the patient himself?

A: If "mercy killing" means relieving a patient from his unbearable pain, then it is impermissible, because putting an end to man's life is unlawful, even if it is based on pity and sympathy.

And if mercy killing means putting an end to a patient's life to comfort his parents, on the basis that he

is predestined to die in the coming few days, then it is also impermissible, because we are not authorized to deprive him of his life, even if one hour of survival is possible.

On the other hand, if mercy killing is to be performed on a case of brain death, i.e. the patient is considered medically dead and the possibility of the brain's re-functioning is less than one percent, then we can say that it is not a must to use the devices that prolong the life of the body represented by the beating of the heart. So, it is lawful to remove this device should the concerned doctor so decide. It is also the duty of the parents to authorize the doctor in this case to do so, for the doctor is not authorized, on his own, to put an end to this patient's life, since he has a guardian, to whom the doctor should refer so as to get the authorization to perform euthanasia. This is based on the belief that the obligation of saving a patient's life does not include the life of cells, but rather, the life of the human being. Actually, this type of life, that of the cells, can be compared to a similar type of life in a snake tail after the snake is killed.

Q: In the first two cases mentioned above, is it permissible for the patient to put an end to his life by asking the doctor to do so?

A: The patient is not allowed to ask for such a thing, since he is not authorized to put an end to his own life.

Q: What is your judgment concerning the dissection of a dead body, whether for educational reasons or for diagnosing the causes of death?

A: In principle, it is impermissible to dissect the corpse of a Muslim, because the sanctity of the dead believer is by no means inferior to the living one. Moreover, Allah forbids any harm to the believer, whether dead or alive, as mentioned in many traditions. The Islamic law has imposed blood money (Diyyah) for cutting a dead body's head, hand... etc., however, if learning is largely dependent on dissecting a dead Muslim's body, then it would be permissible. For example, postmortem examination that leads to saving or treating many people, confirming the right of the dead or knowing whether his death was of a natural cause or not, then it is lawful, because it represents a vital interest that surpasses the sanctity of the dead body. This is based on the preference of the more important interest over the lesser one.

Autopsy... abortion and organ donation

Q: It is noticed that the majority of opinions that tend to forbid dissection refer to traditions that disallow mutilation - even to a mordacious dog. It is also obvious that there is a great difference between the current method of dissection and the idea of mutilation. What is your judgment?

A: Some jurists believe that mutilation occurs when a corpse is dismembered, regardless of whether the intentions were good or bad; whereas, others believe that mutilation is a connotation of torture, revenge or punishment, and I tend to adopt this opinion; thus, I believe that dissection for justified purposes is not considered mutilation.

Q: What is your opinion regarding the donation of body organs after death?

A: From the point of view of the Islamic law, one has the right to donate his organs after death, because forbidding the act of cutting off the organs is based on the right to respect man and his organs, so this would be lawful, if he abandons this right after death through a will, especially if these organs would save the lives of others or enable them to be more effective and active. In this respect, organ donation is characterized by charity and benevolence, which are highly commanded, for Allah says: **"And they prefer (them) before themselves though poverty may afflict them"** (59:09). Through this Ayah, we derive the righteousness of altruism although it talks about money, since it actually establishes the principle.

Q: If a person's life is urgently dependent on an organ from a dead body, what is the legal judgment?

A: It is not only permissible, but it is also a must, even

if it is not mentioned in the will of the deceased, because preserving the life of a Muslim is more important than observing the sanctity of a dead body.

Q: Is it permissible for a female nurse assigned to take care of a male patient to touch him or to see his private parts?

A: This is impermissible, in essence, unless his treatment is largely dependent on that, and provided that she is the only person present to carry out this task.

Q: What is the legal rule concerning abortion? What about the operating doctor?

A: Abortion is forbidden once the spermatozoon impregnates the ovum and once life is infused in the woman's womb... Therefore, this is lawful in specific cases only, as when the fetus endangers the mother's life, then, the mother is allowed to defend herself even if the source of danger is not aware of what he is doing, as in the case of a mad man or the like.

Q: Is it rewarding to donate blood to non-Muslims?

A: It is narrated that quenching the thirst of any living thing would be rewarded. Thus, saving others' lives, including non-Muslims, is commended by Allah. In addition, such an act helps in spreading Islam and confirms the morality of the Muslim who helps others, regardless of their religion.

Rulings and individual interests

Q: As a doctor, can I hide a patient's medical information or diagnosis to avoid psychological harm? Am I allowed to give him false hope to boost his morale?

A: It is not permissible to tell a patient about his illness, if it might speed up his death, unless it is necessary in that he must take care of some important errands that would lead to great harm if they were not accomplished.

On the other hand, giving him false hope in an indirect way to heighten his spirits is highly rewarding.

Q: What is your comment on the hymen repair surgery for the woman who loses her virginity, in an accident or by committing a mistake, to deceive her future husband and to escape from grave social persecution that might reach the level of endangering her life?

A: This is permissible, if the loss of virginity might cause her unbearable disgrace, disrepute or death. But, this should be done with great care and reservation and only in critical situations, for encouraging this kind of operations may lead a lot of women to sexually deviate and find it easy to indulge in relationships, even the legitimate ones as in "temporary marriages", which might result in some moral corruption or social problems.

As far as deception is concerned, if a husband finds

out that his wife's virginity is restored, then he has the right to accuse his wife of deception.

Thus, it is recommended that the husband be told about the loss of virginity before marriage, so that the matrimonial life would be based on mutual trust of strong foundations.

Q: Is it permissible for a woman to have abortion if her pregnancy is the outcome of a secret marriage or an illegitimate sexual relation, in order to avoid danger or grave social persecution?

A: This is permissible if her conception endangers her life or leads to unbearable disgrace and disconcertion, provided that the embryo has not reached the stage during which it can be called alive (having a spirit); otherwise, abortion is unlawful, unless it is necessitated by tangible danger to a woman life.

Q: If a mother's survival depends on her fetus's demise or vise versa, whose life is given priority; should the decision be made by the mother, the husband, the doctor, or the religious authority?

A: In this case, the mother has the exclusive right to make the decision to defend herself by abortion. No one else, whether a doctor or the baby's or the mother's guardian, can interfere to solve the problem, keeping in mind that the religious authority can interfere only to ratify the legality of the mother's decision. However, the doctor is allowed to perform abortion, only if the

woman's life is dependent on this operation, without which her life will be in a real danger. However, resorting to precaution should not be abandoned in such cases.

Human Cloning

Q: What is your Eminence's opinion on the contemporary issue of human cloning, which resulted in supporting and opposing reactions, considering it a satanic action as it interferes in the creation of Allah, the Most High, the Most Exalted?

A: We do not believe that this discovery represents an intervention in the creation of Allah, for what they actually discovered is the secret that Allah has characterized the reproduction process with, in a way that would eventually guide them to the laws of reproduction Allah has set. Therefore, we see that this experience has not brought about anything new, meaning that it did not set a new law, but rather, it uncovered some of the secrets of the human body and succeeded in getting to know the vitality of these secrets and making use of them to create a second version of man or any animal, or transplant certain organs in the place of other damaged or missing organs.

When we examine the issue, we realize that it does not differ from the basis of religious thinking and the religious doctrine, for it does not make man a creator side by side with Allah, but rather it means that man was

guided to the laws Allah has set in the human body, so as to make use of these laws in another way whose characteristics are not different from those of the natural laws. However, concerning the negative and positive results, one should study both the moral and legal aspects, since this operation might create a human who has a mother and no father or due to some details that might be brought up at the religious, legal and moral levels. In such cases, it is natural to consider that we cannot issue a direct and comprehensive ruling on these issues, but rather one ought to follow up the ongoing studies on this issue.

We do believe in science, for it reveals the secrets of the universe, and once we reveal these secrets, we get to disclose the secret of the greatness of Allah. However, the problem lies in the fact that science might act for or against man's interest, so the entire issue revolves around how man can handle scientific discoveries to make use of them for the sake of construction rather than destruction.

It is funny to notice that some are discussing our opinion from the point of view in which we said that Islam conforms to science and that this (cloning) is science; however, the problem lying behind this irresponsible comment that lacks scientific integrity is that the person who expressed his comment did not actually read what we said, but rather he heard it from his people and in the way they delivered it to him. We

believe that he who reads our answer on this issue would realize that we have talked about science from the prospect that this discovery does not contradict the doctrinal religious thought of Allah's absolute power over creation, and we have also discussed the ruling of the Islamic Shariah in view of the positive and negative results. Meanwhile, some tried to base their opinion on the forbiddance of human cloning on several points:

First point: We, humans, do not possess our bodies or the bodies of others, except by virtue of evidence that permits so, and in this case there is no evidence whatsoever, even in view of secondary considerations that are based on benefit or harm. However, we say that the primary consideration entails allowance by virtue of the ruling of the mind which nullifies punishment without any evidence that necessitates so and the ruling of the law-Giver (Allah) on permissibility. That is why the jurists have searched for an evidence on the impermissibility of inflicting self-harm and found it in the Ayah: **"And spend in the way of Allah and cast not yourselves to perdition with your own hands, and do good (to others); surely Allah loves the doers of good"**, (02:195), as well as the general conception of the law.

Second point: "And bid them so that they shall slit the ears of the cattle, and most certainly I will bid them so that they shall alter Allah's creation" (04:119). They consider that cloning is an alteration in Allah's creation,

considering that it creates a network of relations that do not, in any way, conform to the formula agreed upon in all religions, especially in Islam from the aspect of forming a family.

But:

First: The term Allah's creation is not restricted to the creation of man, but rather it encompasses the creation of the entire universe, and if this was the case, then we ought to commit to the forbiddance of altering anything, be it materialistic things or situations, in the universe; something that no one abides by. Moreover, were it to be restricted to man, there should have been a clear specification or exclusion that says so; thus, many jurisprudents nullified resorting to it to reach the ruling of the forbiddance of shaving one's beard. Therefore, we ought to resort to the content of several narrations, which say that what is meant by Allah's creation is the (religion of Allah) or "the command of Allah in what He has commanded".

Second: Cloning is not an alteration in Allah's creation, in view of the general connotation, but rather it is a kind of benefit from it, by discovering the secret of the body in the network of cells, which conforms to the concept of Allah's creation, for alteration in this sense would be manipulating the body and changing the status in which Allah had already created it, such as castration and the like. However, the procedure of taking a cell

from a certain place, and fertilizing the ovum with it in a certain process, and placing the fertilized egg in the womb is not an alteration in Allah's creation, but rather, it is benefiting from the body's internal system; a procedure similar to that of in vitro fertilization.

Third: Allah says: **"They learned from them the means to sow discord between man and wife"**, (02:102), which suggests the forbiddance of changing the structure of the family; a thing that is unlawful.

We believe that what is meant by this Ayah is the actual separation between the husband and wife; which eventually leads to the destruction of the family, and the suggestion they incline towards believing is baseless.

Jurisprudence of Arts

Q: When is a media outlet (T.V., Radio station, cinema...etc.) considered permissible and when is it considered impermissible?

A: The ruling towards media varies according to its content. If it serves Islam and its objectives and elevates humanity, widens man's knowledge and improves his morals, then, doubtlessly, it is not only considered permissible, but it is also deemed a must. However, once it includes any kind of wanton and dissolute activities and programs, which impurify man's spirit, tarnish his humanity, serve the purposes of the tyrants and oppressors and support international arrogance, then it is automatically prohibited. Indeed, just as there is no absolute rejection to such types of media in Islam, there is also no absolute allowance; it is the way such media is employed that determines its permissibility.

Q: Is it permitted for a religiously committed man to work within the circles of art which are known for their wantonness, provided that he will just carry out his job without getting drawn to this reality as much as possible?

A: In this aspect, two points ought to be taken into consideration: The first depends on the person himself and his abilities to withstand temptations. Indeed, this

person has to know himself; if this job was to affect his values negatively, and consequently lead him to the path of dissoluteness and licentiousness, then it is prohibited. The other point is related to the role he will play either in a movie or a play. If this role is reformatory and guiding, then it would not constitute any problem. However, once it comes to support the immoral habits and desires in a way that does not conform to the Islamic line ideologically, spiritually and realistically, then it is prohibited.

Q: In the light of the above-mentioned, do I have the right to play a role in a play which disagrees with my Islamic faith?

A: In case this role serves the real image of Islam and functions as a complement to an Islamic role, such as the role of Abi Lahab (the Prophet's uncle and one of the leaders of the unbelievers) in his confrontation to Islam, then it is acceptable. However, if this role supports the infidels in a way that the play itself consolidates paganism, then it is forbidden.

Q: Are we permitted to play the role of the Prophet (p.) and the Imams (a.s.) on theatre or in movies, especially if this role benefits Islam and takes part in its universal widespread?

A: As a primary consideration, there is no absolute rejection to this issue for there is no evidence, neither in the Quran nor in the Sunnah, which prohibits playing the

roles of the prophets or the Imams in a play or a movie. Yet, there could be secondary considerations related to the role the actor is playing. The actor has to make sure that his role is neither going to weaken the personalities and the greatness of the holy religious people nor undermine them. Indeed, if there is any slight disdain to their holiness, then it is prohibited. Briefly, the action, in itself, is not prohibited, for prohibition is related to whether this role distorts the image of the prophets and Imams or not.

Q: Is it permitted for a girl to shake hands with a man if this is required in a movie?

A: This act is certainly prohibited, unless there is a certain interest which necessitates acting this scene. In this case, the girl can put on gloves, even if they were synthesized from transparent nylon that could trick the audience to believe that there was a direct contact that is forbidden. Therefore, if the handshake took place without direct contact [between the skins of both hands, since the gloves constitute a barrier], and there was no secondary consideration forbidding the act, then it is acceptable.

Statues and portraits

Q: What is your opinion concerning both the making of solid (three dimensional) figures and their possession?

A: With respect to the issue of the making, I tend to

consider it an obligatory precaution to abstain from doing it, rather than prohibiting it. Indeed, its prohibition is based on this obligatory precaution. As for owning them and using them for any purpose, it does not constitute any problem. As a matter of fact, we understand from the texts we usually refer to and from which the jurists deduce prohibition, that this prohibition is linked to the act of making the statue, and not the statue itself, for it is narrated that: "And whoever makes picture will be punished on the Day of resurrection, and will be asked to give life to (what he has created), and he will not be able to"(1). This statement reveals that this issue is restricted to the maker himself, considering that he is undertaking the role of Allah; which is to create. Therefore, I, just as many other jurists, deem permissible the act of possessing, selling and using these statues for permissible means and purposes.

Q: Is the statue that shows only the upper half of the body subject to the same law?

A: Actually, what is prohibited is the statue that is envisaged as a whole person, so even if this statue shows half of the body because the statue envisages a sitting man or the other half is behind a wall or a curtain, then it remains unlawful or subject to be unlawful as an

(1) Wasa'il Ash-Shia, tradition N◦ 22574.

obligatory precaution. On the other hand, an incomplete statue, which shows part of a man such as a head or the upper part in a way that is generally considered a statue of an incomplete body, is acceptable.

Q: What about drawings, photographs, and the Islamic inscriptions which include Quranic verses and the names of Allah?

A: Any kind of photography is permissible, simply because they are not mentioned among the unlawful acts. As for inscriptions, even though they do not lie under the category of photography, they are not prohibited.

Q: It is widely spread among teenagers, nowadays, to show and express their sympathetic feelings and admiration to the artists or keep the artists' pictures or hang them on walls. What is your opinion concerning this phenomenon?

A: We do not encourage such acts; however, at the same time, we do not deem them forbidden, provided that they do not constitute an encouragement to the teenagers to embark on doing what is forbidden by those artists or supporting their evil actions. Actually, we do not encourage that, for such an intimate affection directed to the artists who are carrying out religiously forbidden acts, might turn into a forbidden act in itself. It was narrated: *"Truly, every king has a sanctuary and Allah's sanctuary is His prohibitions. And he who likes the shepherd that pastures around a sanctuary would*

almost graze therein"[1]. Needless to say that the believer ought to enjoin good and forbid evil, and one of the means of enjoining evil is to reject it, which necessitates rejecting those who embark on evil doings. Actually, expressing our admiration to these artists means sympathizing with the domain of their work, for the act of singing is what gets people associated with the singers, be they males or females, and acting is what associates them with the actors; therefore, if the act of singing or acting was in the line of what is forbidden, then keeping the posters of these artists and talking about them in a positive manner actually becomes a kind of support to evil.

Q: What is your opinion concerning the phenomenon; whereby some artists arrange singing and dancing shows and donate their profits either to charity or to help relieve certain miserable conditions?

A: It is not allowed to do good via prohibited means. If singing is prohibited, then it is absolutely not allowed to be used as a means to do a good deed, for it is narrated that: *"Allah should not be obeyed through disobeying Him".*

However, if the type of singing is permissible and its content is not associated with any prohibited or dissolute sense, then it is allowed, whether this show is intended for

(1) Wasa'il Ash-Shia, tradition No. 33507.

a charitable institution or it is a glorification of the good that the songs express.

Female artists wearing the veil

Q: The phenomenon of the repentance of female artists and their commitment to the veil is widely spread nowadays (in the Arab countries). Yet, some people are doubtful about their integrity and others do not accept their repentance. What is your stand towards this issue? What is the ruling on seeing and watching their previous photos or movies before their commitment?

A: As to being skeptical, the Islamic view confirms that any Muslim who repents and takes the right Islamic path should be regarded as a pious person, for the goodness of the outer appearance reflects what is hidden. For instance, the jurists confirm that the person's justice is apparently evaluated in the way he behaves, for it is narrated: *"Whosoever fairly treats others and does not oppress or lie and keeps his promises should be regarded as a pious person; therefore, his fraternity becomes a must; thus it would become prohibited to slander him"*[1]. Since there is no negative Islamic view concerning this phenomenon and since a person can suddenly awaken and realize that he was leading a life of falsehood, we should, in this case, not only support

(1) Wasa'il Ash-Shia, tradition N◦ 34046.

and encourage this phenomenon, but we should also sympathize with the artists for their return to Allah.

One could be cautious and not necessarily skeptical, so that he would not get deceived by some of them. But there is a difference between cautiousness and distrust.

With respect to the question of seeing their previous photos before their commitment, two points should be considered: First, as Muslims, we are forbidden from seeing any indecent photos which might lead to corruption or sexual arousing, whether that photo belongs to the repentant artists or others. However, if these photos, which were taken before the commitment and wearing the veil, were decent and do not lead to corruption or sexual arousing, and if the look helps in appreciating the changes they have made in their life, then it is allowed, keeping in mind that a look that arouses instincts is prohibited.

Q: What is the ruling regarding listening to their songs?

A: Listening to immoral, licentious, and dissolute songs is prohibited, in principle, whether the singer is a repentant or not.

Q: What is your opinion concerning the participation of women in the field of theatres and movies, and what are your instructions to the conservative families in this domain?

A: In principle, we do not consider it prohibited so

long as this job does not contradict our Islamic path. Furthermore, we do not only encourage such activities, but also consider them as a must, if they help in enlightening our people on all levels, whether politically, socially or morally. Therefore, we encourage the Muslim women to take part in such important fields due to their greatest advantages that serve the Islamic cause, and that could not be achieved unless the women take part in such fields.

Singing and enchantment

Q: According to the Islamic conception, what is meant by enchantment (the state of exultation a person feels as he listens to a certain voice)?

A: From the Islamic point of view, enchantment is not forbidden, simply because anything around us, such as the sound of waterfalls, the singing of birds, and any other piece of art can provide delight and enchant us. However, once enchantment is reached by songs that pour in the channels of corruption and injustice, and once it leads to the excitation of desires, then it is prohibited. On the other hand, the songs that praise prophets, sing justice, curse savagery, and draw the attention towards any political corruption are permissible.

Q: The Sufi's rituals are similar to what you have mentioned. Do you think that these rituals are a kind of

an Islamic art which should be both encouraged and supported?

A: Since such rituals are neither mentioned in the Quran nor in the traditions of the Prophet and other Islamic sources, they should be subject to the principles and rules of legitimacy. Although there is no evidence on their prohibition, we believe that these rituals, even in moments of invoking and praising Allah, might give an impression of ignorance and backwardness, and consequently become prohibited.

Dirbasha

Q: What is your opinion concerning certain ritual practices, such as inserting a skewer in one's body and other similar acts?

A: We believe that such rituals are not real, but rather, a kind of creating an illusion. Anyway, they do not conform to the spiritual Islamic atmospheres or balanced situations. Moreover, if we want to open up to popular practices, they ought to be reasonable, in both the way and the content, and not based on tricking people and playing with their emotions.

Q: What is your opinion concerning the embroidery of the word "Allah" (God) or the Quranic verses? And what is the ruling on touching them?

A: It is not rejected, considering that some embellishing means might be more deeply and positively affective

in the soul. Actually, the ruling on touching such words does not differ from that of any other unornamented holy words.

Q: What is your opinion concerning the way the Quranic verses are recited using certain singing forms?

A: All kinds of Quranic recitation, even the ones accompanied by music, are permissible, simply because we allow the kind of musical songs which include words of justice and right. Then, obviously the same applies to the Quranic verses, being the ultimate words of right and justice. Indeed, what is not permissible in this sense is the kind of music used, which might not suit the holiness of the Quran. Our viewpoint in this respect is that music increases the effects on the soul and the spirit. For this reason, we prohibit musical songs that support injustice so that such words would not penetrate into the people's minds, while we deem lawful the songs whose words call for justice and fighting oppression and tyranny. Most importantly, we encourage the Quranic recital competitions, which take place everywhere, provided that they do not violate the Quranic atmosphere of piety.

Q: Is it allowed for a man or a woman to take either singing or dancing, which abides by lawful constraints, as his/her profession?

A: The jurists' rulings on dancing vary; knowing that some might prohibit it, because it is considered a kind of play or fun. As for singing, some believe that it is

forbidden, in all its forms, whether the lyrics call for righteousness or falsehood; whereas, others deem the singing that calls for the right lawful, and so is the case of the dancing that does not arouse instincts or is not dissolute. Therefore, we do not consider the act of dancing and singing, in an audience of the same sex, which preserves moral obligations, to be prohibited, so we actually deem it lawful, in principle, just as our teacher, Ayatullah Sayyed Al-Khou'i did. However, it must be noted that although we allow certain things for the lack of evidence that prohibit them, we, at the same time, take into consideration the social restrictions.

We believe that these two professions are not socially accepted, for throughout our Islamic course, we have not witnessed so far a Muslim woman or a Muslim man who has taken dancing as a profession. Thus, this issue is subject to secondary considerations that impose prohibition. However, with time, the situation of Muslims might change, in a way that makes this issue socially acceptable, and even turns into a necessity, as Muslims accept the kinds of art that preserve the legal boundaries, so as to avoid those that surpass the boundaries, considering that emptiness might constitute a problem that would eventually lead to deviation and misguidance.

Therefore, as far as allowance is concerned, this issue might be accepted, in certain phases, but we cannot allow it in an absolute manner. Rather, we ought to examine

the issue in accordance with the supreme interest of Islam.

Q: What is your opinion concerning holding parties for matrimonial occasions or birthdays, in which decent and religiously acceptable music and songs are played?

A: I believe that we are in need of such joyful occasions that enable people to live their emotions, feelings and affections. Moreover, besides the Fatwa of allowing such occasions, we personally encourage people to rejoice so as to forget all about their pains and grief, even if just for a moment of time, provided that the means of rejoicing are acceptable and satisfy Allah, the Most High and the Most Exalted.

Q: What is the Islamic ruling regarding the performance of the incidents of Ashura in a movie or play?

A: It is obvious that a memory such as Ashura that is related to the popular and religious conscience, as well as to the cultural memory and political movement ought to witness development in the way of expressing it in accordance with the development of the means of expression throughout time, since these developed means are the ones which man opens up to. In the light of the above mentioned, not only do we encourage the commemoration of Ashura, in the way it is practiced nowadays, but we also call for developing the means of portraying it.

We believe that the performance of the story of Ashura on a primitive theatre via primitive means is too poor to lead to a good effect simply because the observer loses this lively and spiritual interaction that the commemoration of Ashura aims to.

Therefore, we aim to make Ashura an occasion that does not only concern the Shiites, but rather extends to a universal occasion that concerns all the people due to its human dimensions. Thus, we need developed technical means and very creative playwrights and artists who would compose, direct, and perform the incidents of Ashura on a well-developed modern theatre.

Q: Is it possible for a famous actress who has played so many different roles to play the role of Sayyeda Zeinab (Imam Al-Hussein's sister) (a.s.)? Or do you prefer certain types of personalities to play this role?

A: Yes, it is very likely, especially if the actress is a Muslim woman who possesses all the human affections, and who, at the same time, understands the personality of Zeinab (a.s.) and knows how to play her role and represent her as she was; a Muslim heroine worthy of appreciation and respect.

Q: You have recently called for acting and performing the Husseini tragedy of the Imam's martyrdom on both theatre and television. Do you not think that you will face many objections from different jurists, since this could be unfamiliar to people and to jurists as well?

A: I do not think that well-educated and open-minded jurists who are fully aware of modern technology and its impact on the modern man would reject that from a jurisprudential point of view, if the means conform to the Islamic criteria. Indeed, we are all fully aware that the modern man is capable of using such technologies to deliver his messages. Similarly, Islam would make use of them so as to be widely spread and universally understood.

I know that some jurists and even ordinary people usually fear what is new and are wary of undertaking new steps, thinking that this newness would undermine what they are used to. However, we believe that swimming against the current is risky and needs patience; so, we advise those who are creative by their nature and are always looking for the best to endure the difficulties that they will be facing.

We all agree that customs are neither the end of the world nor do they possess any sense of holiness. Thus, Allah, the Most Exalted, orders us in His Holy Book to liberate ourselves from the constraints of blind traditions and conventions. Allah wants us to observe, contemplate and think about such customs, in a way that makes us accept what conforms to our Islamic concepts and reject what does not, for Allah says: **"We have found our fathers following a certain religion; we are merely walking in their footsteps. Each (apostle) said: What if I bring you a better**

guidance than that which you found your fathers following? But they replied: We deny the message you have brought" (43:23-24). Thus, we do not sanctify what is familiar. We believe that we ought to accompany the developments of life in a way that conforms to the Islamic general guidelines, which we do not believe that developing the ways of presenting the tragedy of Ashura violates.

Q: The act of changing the way we celebrate Ashura to fit the mentality of this century is so important. But do you not think that this step will be followed by many others and lead to influential changes on several other Islamic concepts and issues in the coming generations?

A: Islamic concepts and thoughts are constant in their original and real content, but, here, we are talking about changing the means of expression and not the content. However, it has certain dynamism in Ijtihad, as a result of addressing new issues. Therefore, we do not usually fear the changes we have made or we are still making just because we are afraid that it will surpass the Islamic lines. We believe that the open minded and watchful jurists who understand the content of the Islamic conception and the mentality of our generations constitute a guarantee against any deviation.

Q: The technique of a drama requires both a dramatic buildup towards a climax and a skillful plot, which might lead to a change in the text. Thus, the director might face the difficulty of either changing the historical text or

technically weakening the plot. How can this problem be solved?

A: We allow the process of change, under the condition that such changes help in the invigoration of ideas and do not lead to the violation of the content or the spirituality of the text.

Q: In the past, jurists used to prohibit acting, but now you do allow it and even call for it. Does this mean that the past jurists were wrong?

A: I do not think that the jurists meant the act of acting in itself, for the Arabic meaning of the word acting (tamtheel) might have confused them. Indeed, in Arabic "acting" (tamtheel) is taken from (Timthal); meaning a sculpture, and some Sunni and Shiite jurists prohibit sculptures, because they represent paganism. As for acting, in the sense of playing a role in a certain movie or play, I do not think that they had prohibited it.

Q: What do you say if a director commits a mistake in his choice of the actors and the roles they play [casting]? I mean if the most skillful and professional actor who plays the role of a wicked character might be more influential on the audience than any average actor who plays the role of a reformer, which tilts the balance towards the wicked character.

A: When we talk about the Karbala theatre, we mean that all the techniques, including the theatre, actors, text and the content and its spirituality should lead to a

positive result; that is, the director must take everything seriously and into consideration, so as to make the best choices.

Q: You call for getting along with the mentality of the contemporary age and for opening up to the modern civilization. In the light of this call, how can you explain the tradition of the Prophet (p.) who said: *"What Muhammad deemed lawful is lawful until the Day of Judgment and what he considered prohibited will remain prohibited until the Day of Judgment"?*

A: Without any doubt, what Muhammad (p.) considered lawful was and will remain lawful till the Judgment Day and what he considered prohibited was, is and will remain unlawful till the Judgment Day. However, the issue is how to determine and diagnose what is lawful and what is not. For instance, the process of legislation differs and develops from one jurist to another, according to their understanding of the text itself.

Another point is that things usually vary, whenever any new idea or event occurs. When this variation occurs, many new subjects come into existence; accordingly, the legislation changes due to the changes of the subjects. For clarification, we all know that water is not only allowed, but it is also essential; however, once it becomes dangerous to our health, it immediately becomes prohibited. Therefore, we believe that the texts

enjoy flexibility in the way the jurists understand them; thus, it is not strange to find that there is a certain degree of diversity of opinions among jurists.

Q: In the Islamic theatre, what are the lawful limits of the actresses, and what if the roles they play require shaking hands and exchanging words of compliment and flirtation?

A: Abiding by the Islamic law is a must, so the actress is prohibited from behaving against what the Islamic law necessitates. For instance, the actress is prohibited from appearing unveiled, shaking hands and wearing seductive clothes and make up. As for exchanging words of compliment and admiration, it is permissible, in principle, provided that the words do not exceed the normal limits and they are not meant for flirtation and arousing desires.

Jurisprudence of Amusing Games and Parties

Q: Are there certain guidelines for centers of entertainment and amusement games that define what is prohibited and what is allowed?

A: The issue of determining if amusement games are prohibited or allowed does not depend on their specific nature; but rather, on the way every person makes use of them. For instance, if these games facilitate the path to deviation, and if the person becomes so addicted to them that he might neglect or forget his religious duties, social obligations and family responsibilities, then such games become undoubtedly prohibited. Moreover, these games should not encourage evil or deviation. Other than that, there is no problem in these games, whether they are games of gambling, but without any actual gambling whatsoever involved, or chess or any other game that people might invent in various times and places in accordance with their culture and circumstances.

Q: What is the ruling on engaging in such games in an excessive manner?

A: Engaging in such games in an excessive manner necessitates prohibition due to their negative consequences, for they would distract the person from his religious and social obligations.

Q: Some jurists are skeptic about such games due to their negative consequences, such as the feelings of prejudice and hatred that these games might create among players, what is your opinion, Your Eminence?

A: We have mentioned that such games are not prohibited; however, once they lead to or cause feelings of hatred, violation and deviation, then they undoubtedly become prohibited. In this case, they would be of a similar effect to that of alcohol and gambling, which Allah mentioned in His Holy Book: **"Satan's palm is (but) to excite enmity and hatred between you, with intoxicants and gambling, and hinder you from the remembrance of Allah, and from prayer: will ye not then abstain?"** (05:91). Thus, if by their nature or by the climate they create, they lead to enmity and hatred, then they are prohibited by the secondary considerations. We say that amusement games are not prohibited in themselves, but they become prohibited, once they become associated with betting, or if they lead to committing an unlawful act.

Q: Some players resort to symbolic bets to make the game more exciting and competitive, what do you say?

A: Any kind of symbolic bet is prohibited, but if it is a token of moral reward for the winner, such as the prizes given to the football or chess players, then there is no problem.

Q: Some games, which include gaining and losing such

as "monopoly", use false money. Is there a problem with that?

A: It constitutes no problem if there is no real gain, even if lending or winning money is part of the game, as long as that money is false money. If the game ends up with a sense of entertainment, without gaining or losing any real money by any person, then it is allowed.

Q: How can you explain Imam Ali's (a.s.) saying on his division of time *"a time for your pleasure without committing prohibitions"?*

A: It might mean addressing all lawful physical and psychological needs. Actually this saying talks about the time during which man yields to all lawful kinds of both physical and spiritual comfort after a long hard working day. It includes all kinds of lawful and moral amusements, such as the lawful pleasure of music that relieves man of his heavy physical and mental burdens.

Q: There is a saying that there is no leisure time in Islam. This conception is deduced from the following Ayah: **"Therefore, when thou art free (from your immediate task), still labor hard"**. (84:07). What do you say?

A: This interpretation is not accurate, for the Ayah talks about a specific case and not man, in general. Leisure time is meant to be the time during which one no longer has any social, religious and business duties. Even

this free time is supposed to be refined from any deviation or any prohibited immoral deeds.

Q: Some jurists, on the basis of some traditions, prohibit chess and backgammon, do you agree?

A: Previously, these games were considered as games of gambling, and accordingly, playing them, even for symbolic bets, was and is still prohibited [by these jurists].

Q: To avoid suspicion and uncertainty about the legislation regarding such games, is it not much more preferable if you either prohibit them or issue an obligatory precaution?

A: There is a big difference between the state of being cautious about things, which are expected to be prohibited, which is something positive if such a prohibition does not have negative effects on man's life, and presenting concrete and strong evidence of either their allowance or their prohibition. Thus, it is the jurist's responsibility in this sense to present his evidence to whether things are allowed or not, based on the rules agreed upon by jurists. Then, the people can make a choice, whether to be cautious or not, as far as what is allowed is concerned. Furthermore, if we attempt at taking the obligatory precaution as a law, we have then to be cautious towards everything around us, since everything has a negative aspect. But we should not object if other jurists prefer to resort to obligatory

precaution for fear of committing mistakes, and, thus, fall in the trap of prohibitions. Nevertheless, although such a precaution is not rejected, we see that it might complicate man's life, i.e. he might see the prohibitions in things that might not be prohibited, or he might see obligations in things that are not obligatory. Thus, being cautious is good; however, it might complicate the person himself and his life, as well. Accordingly, the jurists' responsibility demands facilitating life and not complicating it. In other words, the jurists should courageously and confidently issue legislations with concrete evidence that facilitate man's life.

Q: Is it allowed to attend immoral and prohibited social parties for the purpose of studying their reasons and their disadvantages so as to present both legal and reasonable solutions?

A: If the person is honest with himself and his Lord, **"Nay, man will be evidence against himself even though he were to put up his excuses"**, (75:15), and above all he is absolutely confident that his purpose is just conducting research in these places for the purpose of presenting both the problems and the solutions that benefit the society, then there is no problem. However, since man is very fragile and susceptible to temptations, he should, before stepping in, build a defending shield within himself against all unlawful desires, since it is as the saying indicates that he who wanders around what is prevented becomes vulnerable to fall in it.

Q: What is the legislative ruling regarding mixed parties?

A: If the mixing of sexes, whether in practice or in certain situations, represents the path of deviation that deforms the image of Islam and leads to prohibited results, then it is forbidden.

Q: How much makeup a woman is allowed to use when she appears before male strangers?

A: She should appear with her natural appearance, which is void of all the makeup products that sexually excite and tempt men.

Q: Is the Muslim woman allowed to wear short, sexy clothes in the parties of children and women?

A: It is not forbidden, in principle, for Islam does not prevent women from revealing their feminine beauty before other women and before children as well, which makes them feel satisfied and pleased, provided that they do not show their private parts.

Q: Is it allowed for young girls (under the age of religious obligation) to dance in front of men in public parties?

A: In principle, we can say that young girls, who have not yet reached the age of religious obligation, are allowed to appear without the veil and even dance in front of men. However, we have to be cautious that such occasions might get the girl used to the atmosphere of

deviation. If this is the case, then it is forbidden due to secondary considerations.

Q: Are men allowed to dance in front of other men? And is the popular dance (Dabke) prohibited if it is performed in front of women?

A: In agreement with Sayyed Al-Khou'i, we allow the act where men dance in front of other men, and women dance in front of other women, provided that dancing is not indecent or obscene. Moreover, the act where men perform the popular Dabke is not forbidden in itself in front of other women, unless it is accompanied by certain forbidden acts.

Q: Knowing that you allow women to sing in weddings, is it allowed that they sing along the tunes of contemporary songs?

A: There is a tendency for permissibility, yet we tend to resort to the obligatory precaution in this case. If the song and the music were those of licentious people, then it is prohibited, but if it was soft music accompanied by soft lyrics, then it is allowed.

Q: Is it allowed for a photographer to take photos in the parties of women who would not be properly veiled and appear with make up?

A: Since these women have not restrained from appearing the way they like, then it is not prohibited for a photographer to take photos. However, if these women are usually veiled and follow the religious

obligations, yet they like to be free in weddings, then the photographer is supposed to be careful not to look.

Q: Is it lawful for a stranger photographer to develop a film, which includes pictures of Muslim veiled women appearing without the veil?

A: If it does not socially degrade and dishonor the woman, then it is not forbidden, but if this act threatens both the position and honor of a veiled woman, then it is prohibited.

Q: Is there any problem if the bride appears wearing full makeup in the street, and with just a scarf covering her head?

A: Veiling is to cover what should be covered; therefore, such an outlook is insufficient, since full makeup is considered a big means of temptation.

Q: What do you say on the issue where the bridegroom enters into the bride's room, in the presence of other veiled woman?

A: There is no problem if these women are decent and do not show or reveal the makeup to the bridegroom who, in his turn, should abstain from looking at them.

Q: What is the religious ruling concerning applauding, whether it is for encouragement or for appreciation?

A: Applauding in all its forms, whether it is for encouragement, appreciation or pleasure, is allowed. However, if it is for a prohibited reason; then, automatically, it becomes prohibited.

Q: Is the atmosphere of extravagance, excessiveness, and wastefulness, which dominate most of our weddings prohibited?

A: In Islam extravagance is rejected, for Allah asks man to be moderate in his needs. Needless to say that anything which exceeds its limits becomes prohibited. For instance, Imam As-Sadiq (a.s.) says that Allah likes moderation and detests extravagance. However, if both the social conditions and the position of the person himself necessitate him to do so, then it is allowed. But I advise believers to be moderate in such things in all cases.Q: Are there certain recommendations for making our weddings and festivals more abiding to the spirit of the Islamic law?

A: I believe that if our weddings and social festivals would include some Islamic activities which consolidate the Islamic concept, without disturbing the atmosphere of happiness, then this would actually enrich our Islamic situation and widen our spiritual happiness that people should experience and seek.

Birthday Parties

Q: What is your opinion on birthday parties held by parents for their children on their birth anniversaries?

A: Birthday parties are not part of our traditions, for it was not accustomed in the Islamic atmosphere, conduct, and education to celebrate one's birth anniver-

sary, and if we go through the birth anniversaries of the great people in our history, we would find out that celebrating this memory does not exist in our oriental Arab reality. Moreover, Allah only pointed at the birth of two of the prophets: He mentioned the birth of Moussa (a.s.), so as to demonstrate how kind He was with Moussa and how precious he was to Him, as He saved him from Pharaoh and made him live under Pharaoh's guardianship, for He says: **"Then the people of Pharaoh picked him up (from the river): (It was intended) that (Moses) should be to them an adversary and a cause of sorrow"**. (28:08). Allah also pointed at the birth of Jesus (a.s.), since it is a proof on Allah's power. However, Allah did not talk about the birth of Ibrahim (a.s.) or any other prophet, for the issue of someone's birth at a certain time is of no significance; thus, we cannot come cross any Islamic legislation that recommends celebrating the birth anniversary of a prophet or an Imam...etc.

However, Muslims tended to imitate other people of different civilizations who used to celebrate the anniversary of their prophets, such as the Christians, or the birth anniversary of great people, authors, artists... etc. We can even notice that the Christians rendered the date of birth of Jesus Christ as the beginning of their calendar; whereas, Muslims did not render the date of birth of Prophet Muhammad (p.) the as beginning of their calendar, but rather they marked his immigration (Hijra) as the beginning.

Nevertheless, this does not necessarily mean that we have a negative view on celebrating birth anniversaries; on the contrary, we find no problem or harm in taking up such traditions and celebrating the birth of the great people in any means possible, for this would directly connect the nation to its great people in such occasions through reviving their thought, struggle, practice, activities, message, and morals... etc. Actually, this would revive the nation, by remembering the personality of the great person, rendering it a kind of openness on his entire life on a yearly basis and on every occasion. Therefore, we do not agree with some of the Muslim scholars who forbid celebrating the birth anniversary of the Prophet (p.), for they consider it an innovation (Bid'ah). The reason is that we do not believe that the term Bid'ah includes such things that people perform, yet not under the title of a Divine legislation, for if they were so, they would have to be forbidden. Rather, we see that such thing is useful and has positive effects at the level of the relation between the nation and its great religious symbols, which would eventually lead to projecting their memory on life and reviving their life's vital elements that can enrich the nation's thought and missionary experience in life. Thus, Allah has not forbidden celebrating new occasions, just as He did not forbid new practices in our daily life, and so on.

Celebrating one's birthday actually represents an intimate state where man remembers the occasion of

coming to existence, or his presence and existence in the year he commemorates his birth. We do not wish to launch a counter-campaign to this new tradition, keeping in mind that we refuse indiscriminately importing the traditions of others, for we believe that traditions ought to be deeply enrooted in the nation's awareness of its concepts, issues, and detailed lines of this tradition or the other. However, after this tradition has imposed itself on us, we can develop it, meaning that we can turn the occasion of celebrating one's birthday into one to remember and thank Allah, the Most Exalted, for the blessing of existence and life. Moreover, he can thank Him in the same manner Imam Zein Al-Abideen (a.s.) receives the morning and the evening, for he (a.s.) says: *"This is a fresh, new day, over us a ready witness. If we do good, it will take leave from us with praise, and if we do evil, it will part from us in blame"*(1), and the way he receives the day of Wednesday, for he says: *"(All) praise is for Thee (alone), [for Thou makes me come out of the deep sleep (motionless spell of inactivity) everyday, although if Thou wills it could be a rest for ever], everlasting praise, (that) never ever is cut off"*(2). Thus, celebrating one's birth anniversary ought to be an occasion to thank and praise Allah for keeping him alive until that day he is celebrating, which is the day he

(1) As-Sahifa As-Sajjadiyyah, "The Morning and Evening Supplication"
(2) As-Sahifa As-Sajjadiyyah, "Supplication for the Day of Wednesday"

was brought to life. By doing so, he would turn the occasion into one in which man experiences the spirituality of thanking and praising Allah, and in which he contemplates his doings during his bygone years to find out whether he was obedient to Allah or sinful, and make himself ready for the years to come to correct and straighten his path.

We can develop the concept of the so-called birthday by turning it into an element of spiritual nourishment, through which man remembers the reason behind his existence and continuity in life, and recite the following supplication: *"And make my future better than my past, and my most good deeds the last of them and my best day the day I meet you..."*

Q: What is your opinion on those who turn general birth anniversaries into occasions for indulging into atmospheres of degradation, debauch... etc.?

A: When we study the concept of festivals in Islam, which is represented by two occasions: Al-Adha Eid and Al-Fitr Eid, we deduce that it is based on obeying Allah and being devoted to Him and to Islam, and guiding people to its straight path. Al-Fitr Eid comes as man fulfills his responsibility of fasting the month of Ramadan, for man celebrates this day having fulfilled the obligation of fasting and other deeds Allah has decreed on him in this month. Actually, this is what the Commander of the Faithful (a.s.) mentions when he talks

about Al-Fitr Eid, for he says: *"Eid is for him whose fasts have been accepted by Allah, and whose worship has been appreciated by Allah. Each day in which you do not disobey Allah is a day of Eid"*. Thus, this Eid, which is an occasion for obedience and prosperity, ought to be entirely, in all its traditions, customs, and means that rejoice people, dedicated to obey Allah, the Most Exalted... Actually, he who disobeys Allah on this Eid is way far from its true meaning and spirituality.

As for Al-Adha Eid, it is the Eid of offering sacrifices so as to get closer to Allah by sacrificing sheep, and this Eid symbolizes the story of Ibrahim and Ismail that Allah has mentioned in His Glorious Book: **"And when he attained to working with him, he said: O my son! Surely I have seen in a dream that I should sacrifice you; consider then what you see. He said: O my father! Do what you are commanded; if Allah please, you will find me of the patient ones. So when they both submitted and he threw him down upon his forehead, and We called out to him saying: O Ibrahim! You have indeed shown the truth of the vision; surely thus do We reward the doers of good: Most surely this is a manifest trial. And We ransomed him with a Feat sacrifice. And We perpetuated (praise) to him among the later generations. Peace be on Ibrahim. Thus do We reward the doers of good"**. (37: 102-110).

Since this Eid symbolizes the sacrifice Ibrahim (a.s.) was willing to make for the sake of Allah, by showing his willingness to slaughter his son, and how Ismail was

ready to be slaughtered just for the sake of getting close to Allah, Al-Adha Eid is the Eid of succumbing to Allah. Al-Adha Eid should be dedicated to man's succumbing to Allah, and striving hard to be close to Him and ascending closer to Him; therefore, it is natural that this Eid actually expresses the movement of Islam in man's entire reality, whether in words, deeds, or behaviors.

Consequently, the methods adopted in celebrating all Eids ought to be in compliance with the spiritual and human ambiences that do not drift man away from Allah, but rather bring him closer to Him, so that man would actually be rejoicing Allah's grace, as well as all the elements of happiness He bestows upon man.

Q: Allah has made the Eid a day for celebrating and rejoicing and having fun and liberating one's self from life's daily stresses, do you not think that this contradicts the call for subjecting one's self to accountability and remembering death and the Hereafter on the day of the Eid?

A: Islam tries to find, in man's innermost, balance between different vital issues, in a way that no issue overcomes another and cancels it. At a time Islam wishes man to enjoy life and experience it with happiness, joy, and pleasure, it does not want him to forget his responsibilities amidst the feeling of joy or to derail from the state of balance in his life, resulting consequently in a state of imbalance, as the following tradition

mentioned in some religious texts: *"When you leave your homes for prayers, keep in mind that [one day] your [souls] will ascend to their Lord, and when you stand in prayers, keep in mind that [one day] you will stand before your Lord"*[1], and so on.

The prayer of the Eid marks the beginning of the day in which man will experience the joy of faith for shouldering his [religious] responsibility, meaning that Islam wants man to expand the circle of joy, in a way that he should not restrict joy to the instinctive need for playing, wasting time, and having fun. On the contrary, Islam wants man to rejoice for shouldering the assigned responsibility and for totally obeying Allah, and in the Islamic sense, this would be a real Eid, for such a feeling showing upon undertaking the responsibility enroots the movement of responsibility in man's conscience when the issue turns into one related to a state of conscience instead of merely being a state imposed by the system in which man succumbs to his responsibilities.

By means of this prayer, Islam aims to make man experience the Eid in a way that enables him to meet his Lord and open up to Him and thank Him for the graces He has bestowed upon him, be they physical or moral. Therefore, man would feel rejoiced for meeting Allah and communicating with Him; thus, sensing that Allah is

(1) Bihar Al-Anwar, Al-Majlisi, vol. 87, p: 362.

watching over his affairs so that he would experience the joy in life under the supervision of Allah, the Most Exalted. In this way, neither his playing nor his pleasures would be deviated, but rather, he would remain within the human bounds, as Imam Ali (a.s.) has once said: *"And an hour for you to be alone with your pleasures that are not forbidden"*.

Actually, Islam wants man to rejoice for undertaking the responsibility during the Eid, and to experience the normal sense of happiness that lifts off the burdens of the reality he is living in and does not offend his soul. Therefore, we notice that, in Islam, it is recommended for man to visit the graves of his beloved ones, during the Eid, as a gesture that he actually remembers them, and to ask Allah to have mercy on them and recite Quranic verses and offer alms in their names, and to visit relatives and friends; thus, experiencing spiritual happiness, social happiness, and emotional physical instinctive happiness, which is the balance that constitutes the secret of Islam.

Moreover, when we examine the issue of balance between the happiness of this world and the happiness of the Hereafter, and between the needs of this world and the responsibility towards the Hereafter, we cannot but remember the following saying of Imam Ali (a.s.): *"Work for your World as if you will live here forever, and work for you Hereafter as if you will die tomorrow"*. Thus, man ought to feel, at all times, that he is responsible and that, one day, he will be held

accountable. This feeling will drive him to be balanced and will be reflected in all his actions, as well as his life as a whole.

Q: Many dissolute and lecherous people feel sorry for the atmosphere the religious believers live in, for the former relate happiness to obscene practices, such as adultery, drinking alcohol... etc. What is your opinion regarding these feelings?

A: There is a difference between rejoicing at the beginning and ending up in crying, and rejoicing at the end even if you cried at the beginning. Islam tends to direct man towards what serves his interest, which makes him end up in rejoicing, as the following saying demonstrates: "He who laughs last, laughs best". Those who practice adultery, or drink alcohol, or embark on any forbidden act that brings about pleasure and happiness to them might feel happy for the time being; however, the negative repercussions reflected on their mental, social, and psychological welfare might admonish all the forms of happiness they have attained. He who drinks alcohol and loses the state of mental balance might be totally diverted from reality; thus, when he faces the resulting negative repercussions, whether physically or at the level of the realistic results of this mental diversion, he would lose the sense of happiness he had felt in the beginning. And so is the case of adultery relations that are mere craving lusts by means of which man quenches his sexual desire; however, the negative

spiritual effects resulting from such relations might destroy any sense of satisfaction.

Actually, Islam aims to make man feel happy both, at the beginning and at the end, and it does not want him to experience happiness at the beginning and end up in feeling sad, since happiness might be the outcome of man's natural human desires, lusts, pleasure, enjoyments, and delights. As much as man has spiritual needs, he has physical needs as well, and Allah neither deprives him of the opportunity of satiating these needs nor deems them forbidden for him. Man might feel happy for being in harmony with his beliefs, principles, and intellectual lines, and might feel happy when he fulfills his allowed desires, needs, and pleasures, for the heart needs to breathe and so does the instinct, just as man ought to shoulder the responsibility of his doctrinal and legislative issues.

Q: How do you respond to those who claim that Allah lifts the pen from His nation (does not hold them accountable for anything) upon certain occasions, and does not hold them responsible for any of their deeds, even if they were infamous? For example, some Christians turn the New Year's Eve into a night to practice acts of dissolution, and having dissolute parties, and drinking alcohol... etc., and some misguided Muslims claim that Allah does not hold His nation accountable for anything on day of so-and-so and they can do whatever they want... etc.?

A: Allah does not lift the pen except from those who lack mental stability or are deficient in certain aspects of their personal behavior, as stated in the following tradition: *"Do you not know that the pen has been lifted from three: from the child until he starts having wet dreams, from the insane until he regains his sound mind, and from the sleeper until he awakes?!"*[1] Moreover, according to the following Ayah, Allah does not lift the pen from anyone: **"Behold, two (guardian angels) appointed to learn (his doings) learn (and noted them), one sitting on the right and one on the left. Not a word does he utter but there is a sentinel by him, ready (to note it)"**. (50:17-18). Thus, Allah holds man accountable for all his deeds throughout his life and in all cases.

As for the talk that Allah lifts the pen in certain occasions in which man celebrates certain historic moments, it is based on illusions and backwardness, and it is far from the exactitude required when studying any issue or tradition.

Therefore, there is not any moment during which Allah lifts the pen from man; on the contrary, Allah has held him responsible upon reaching the age of puberty, awareness and adulthood, and there is no difference between an Islamic occasion and a Christian one. We believe that Christmas (the birth anniversary of Jesus Christ (a.s.)), or the birth anniversary of Prophet

(1) Wasa'il Ash-Shia, tradition N◦ 81

Muhammad (p.), or any Eid or New Year's Eve ought to encourage man to be more responsible, since he would be opening up to an occasion that reminds him of the necessity of shouldering the responsibility of the message.

Therefore, any occasion man celebrates ought to be an opportunity to shoulder his responsibilities, and even his happiness, as well as the act of fulfilling any desire or lust, ought to be in accordance with the requirements of the straight path, so that it would not make man forgo his interest or lose his [state of] balance and straightforwardness in the line that enables him to reach Allah in this world and the Hereafter.

Jurisprudence of sex

Q: Is it permissible for a sexually frigid wife or husband to watch pornography?

A: I do not think it has been scientifically proven that watching pornographic films is a reliable treatment for frigidity; on the contrary, it often has negative effects. Also, morally speaking, this weakens moral immunity and attaches people, even couples, to a mood of dissolution which makes man feel alienated from his wife, when she fails to imitate the woman who plays the sexual role in the film, and makes the wife feel alienated from her husband, if he fails to imitate the male figure.

Similarly, the same thing happens in the case of fornication. When a man fornicates with an experienced whore, he feels disappointed when his wife fails to offer moves similar to those offered by the whore, who has provided him with all the elements of excitement. Perhaps, this is one of the reasons that have led some jurists to forbid temporary marriage (muta'a) to common prostitutes. So, we believe that x-rated movies and pornography have a negative impact on the spiritual, moral and familial aspect of a person; thus, I deem it forbidden even for spouses.

But, if a husband or a wife, or both suffer from

frigidity in the absence of any means of treatment, whether natural - through mutual excitation - or through medication, and if the only treatment was watching pornographic scenes, then this would be permissible, only because this is the only means, keeping in mind that this should be done without any excess, just like taking the proper dosage of a medicine prescribed, since this passive situation may threaten their matrimonial life.

Q: Some justify the permissibility of watching pornographic films by saying that such movies make sexual intercourse between a man and his wife more enjoyable, harmonious and lustful; accordingly, a man becomes more attached to his wife, which deepens and strengthens the family bond that is the basis of a coherent society. What is your comment?

A: When we study some religious traditions quoted from the Prophet (p.), we will come across instructions that urge man to prepare his wife for sexual intercourse by arousing her. He is also urged not to make love with his wife in a frigid way; on the contrary, some traditions emphasize that a husband should not make full intercourse before his wife's sexual desire is satisfied, so that she would not be left under the wild lust with nobody to satiate her desires.

Moreover, I do not think that the advantages of watching pornographic scenes exceed ten percent; whereas, the negative consequences may exceed eighty

percent. Accordingly, these few advantages do not make it permissible, for the disadvantages are greater by a very large margin.

Q: Does penetration without ejaculation lead to materialistic impurity that necessitates using water or other means to restore the state of purity (Tahara)?

A: If no ejaculation takes place, then there would be no bodily impurity, because sexual intercourse itself does not cause impurity. However, penetration requires a ceremonial bathing (Ghusl), even if no ejaculation takes place.

Q: Is keeping aloof from the woman during her menstrual period limited to the front part or vulva? What are the restrictions for having sex with a woman during the menstrual period?

A: It is normal that the impermissibility of having sex with women during the menstrual period is limited to the specified part, which is the vulva, so man can enjoy the other external parts. However, there is a juristic controversy about anal intercourse. Some jurists forbid anal sex in principle, but those who allow it differ juristically. Some believe that anal sex is permissible during the menstrual period, depending on the Holy Ayah: **"Keep aloof from the woman during the menstrual discharge"**, (02:22), which implies the forepart. Others interpret **"Keep aloof from the women..."** as keeping aloof from the whole intercourse; accordingly, they forbid it in

both parts during menstrual discharge. We believe that the normal sexual intercourse is impermissible during the menstrual period.

In general, we deem anal sex forbidden as an obligatory precaution.

Q: Are there any religious restrictions to sexual intercourse?

A: A husband and a wife are free to use any way during sexual intercourse, provided that there is no particular prohibition. And the only particular prohibition is related to the juristic controversy about anal sex. In other situations, they have total freedom to use any way they desire, but the woman does not have to respond to her husband in some cases that cause pain or harm, or make her sick or embarrassed as when a husband asks his wife to practice oral sex. In such a case, the wife does not have to comply with her husband's demand, if it does not conform to her personal yearning.

Q: Is it permissible for a wife to refuse to engage in sexual intercourse if she is exhausted or when she is undergoing a discouraging psychological state?

A: If sexual intercourse causes her much hardship, she has the right to abstain from it in accordance with the saying of Allah, the Most Exalted: **"He has not laid upon you any hardship in religion"**. (22:78).

But if she only does not feel like it, then she does not have the right to abstain.

Q: What can we say about a man who satiates his lust with his wife without satiating hers?

A: Such a behavior is immoral and inhumane, even though it is not considered a sin on the part of the husband, but it is religiously discouraged. Imam As-Sadiq (a.s.) is reported to have said in one of his traditions: *"The Messenger of Allah (p.) said: 'When you have sexual intercourse with your wives, do not be like a bird, instead, stay long.'"*(1)

In another narration, Imam As-Sadiq (a.s.) said that the Messenger of Allah (p.) considered that if a man's wife feels unsatisfied after sexual intercourse, she would hold on to anyone. He (p.) added: *"Upon having sex with your wives, excite them through dalliance, for it is more pleasurable"*(2).

Also, Imam Ali (a.s) was quoted: *"If one of you wants to have sexual intercourse with his wife, he must not be in hurry, for women have their own needs"*(3).

Thus, in these religious instructions about sex, we can find out that Islam considers the woman's lust and the need to satiate it among the vital moral issues in her relation with the man, so men must not be selfish when fulfilling their desires, leaving their wives sexually unsatisfied.

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(1) Wasa'il Ash-Shia, tradition N◦ 25181
(2) Wasa'il Ash-Shia, tradition N◦ 25183
(3) Wasa'il Ash-Shia, tradition N◦ 25184

Q: Some believe that inducing sperm through embracing, dalliance or other similar acts is similar to masturbation?

A: The kind of masturbation that is deemed impermissible is inducing sperm using one's hand or any other means; that is self-masturbation. But inducing sperm using the hand of one's wife or through some of the other acts that the wife takes part in upon dalliance is permissible.

Q: Is it permissible for a polygamist (man having two or more wives) to have sex with his wives at the same time - provided that they agree and feel that it is more pleasurable and lustful?

A: This is not impermissible in itself, but some jurists express their reservations concerning the impermissibility of a woman to look at another woman's private parts. Accordingly, their activity in question is unlawful, if it leads one woman to look at another woman's loin. Personally, I believe that looking at another woman's private parts is limited to emergency cases pertaining to gynecology and testimony, and it does not include the matter in question. So, in the mentioned situation, caution is of great importance to avoid looking at private parts. Furthermore, I express reservations towards the legitimacy of the action itself, because it does not conform to the general attitude of the Shariah towards

such matters. Thus, the believer has to abstain from such activities in pursuit of precaution and chastity.

Q: Should a young woman who suffers from sterility, caused by a disease or surgery, observe Idda (period during which a widow or a divorcee may not remarry)?

A: Idda is a must, being a means to determine that the woman is not pregnant. As such, it is a general preventive measure that includes the cases when people question the wisdom behind such a measure. When religious ruling are issued, they do not pursue each single case apart, but rather they consider the general state of affairs. Thus, Idda is meant to include all cases where pregnancy is possible even when the external indications assert its impossibility. However, in cases of no actual penetration or menopause, Idda is not a must.

Transsexuals (Sex Reassignment Surgery (SRS))

Q: It has been reported that Your Eminence allows gender change; may we know more about the details of your opinion? What are the juristic justifications and foundations on which you based your judgment?

A: There are many cases pertaining to this subject: One case, which has lately been common in western communities, comprises a surgery in which the testes, penis and scrotum are totally removed. In addition, a cavity is made to look like a female's vulva. Then, an administrator of the hormone estrogen is prescribed, for

the purpose of effecting somatic changes in order for the patient to look more closely in his physical appearance to the other sex. In such a case, man's anatomical formation is preserved, with the appearance of some feminine features, such as soft voice, the prominence of breasts and a hairless beard. Such a surgery makes no difference, for it does not enable the transsexual to have any sexual intercourse, as a woman, with other men, so it will be a male-male sexual relation. Moreover, this surgery does not make him a female from the Shariah point of view. It is just a fraudulent operation to justify homosexuality, which is still rejected and despised by the great majority of communities.

It goes without saying that this operation is forbidden, because it inflicts the body with damage - removing genitals - in the absence of any benefit that outbalances the mentioned damage.

Some other common and known cases are changing one's sex, such as changing an epicene to a female. Such cases assume the possibility of changing a female into a male with all the masculine characteristics, such as having a penis, and the ability of having sex, just as any other man, and acquiring masculine appearance, or the possibility of changing a male into a female by transplanting female gentile, where a transsexual would be just as any woman, anatomically and medically, and where a transsexual would have a normal vagina, through which sexual intercourse is performed and

where the same feelings of the ordinary woman are aroused upon having sex with a man concerning the nature of lust and the resulting secretions. Consequently, there will be no difference between the transsexual and any ordinary female, except in casual attributes as when the transsexual has no uterus or she cannot conceive a baby; a condition that an ordinary woman might suffer from. Accordingly, the transsexual will turn to be an ordinary woman regarding the external features and the sexual characteristics.

In such cases, we do not have any proof or religious text that deems them impermissible. So, unless we have religious evidence that disallows changing sex as per the primary consideration, then there is no problem, in principle, in changing sex and performing the surgeries in these cases.

If such surgeries were accomplished, the consequent outcome would be considered an ordinary woman having the same rights and duties as any other woman. In other words, she is entitled to marry, give birth and inherit, for she would become a real woman.

As for the reasons behind permitting this surgery, if we do not have any evidence that necessitates prohibition, and if there was a state of hesitation and suspicion on whether something is permissible or not, then the rule goes for permissibility in principle. It is worth mentioning that I am not the only one who adopts such a ruling,

for both, Imam Al-Khomeini and Imam Al-Khou'i, in his book "Mounyat El Sail", approved sex-change in the aforementioned cases.

If some have deduced the impermissibility of sex-change through the Holy Ayah: **"And most certainly I will bid them so that they shall alter Allah's creation"**, (04:119), referring to Satan as the one saying so, considering such an operation as an alteration of Allah's creation, we say: What is meant by Allah's creation here is not man, because "Allah's creation" is a general term that includes everything created by Allah, the Most Exalted. And if we adhere to the impermissibility of altering Allah's creation, as understood and construed by those religious scholars, then we will have to protect trees, plants, lands, mountains and rivers from any change, even though no one will comply to it; something which is disapproved by rational people, knowing that, most jurists adhere to its permissibility, in addition to man's beautification changes.

So, what is meant by Allah's creation?

The answer is included in the Ayah: **"The nature made by Allah in which He has made men; there is no altering of Allah's creation; that is the right religion"**. (30:30). So, Allah's creation refers to the human innate nature, namely believing in one God, and this Ayah actually talks about someone who wants to change the human nature by altering its belief from monotheism to

polytheism, which suits Satan's role that is based on alienating man from Allah and from believing in the one God. Thus, **"I will bid them so that they shall alter Allah's creation"**, means that they will alter the human nature, which has been mentioned in the former Ayah. Moreover, in some traditions, it is mentioned that Allah's creation refers to the human nature, and it is quite clear that the satanic major role has nothing to do with the physical and medical nature of things.

As for the issue of self-damage, it is not allowed in case there is no benefit that outbalances the damage. And it is normal that the man who tries to change himself to a woman must be undergoing critical conditions, which make the reassignment surgery benefits outbalance the damages possibly caused by the surgery... But the issue is how much realistic this assumption is, except in the cases of hermaphrodites.

Q: Does this not mean that any person can have any of his organs cut or excised for a mere desire, complex, obsession or a fling, as long as this does not lead to death or fatal damage?

A: Not at all; man is not allowed to cut or exterminate any of his organs without any conventionally considerable reason, as when one's nose is deformed by an accident; in this case a plastic surgery is allowed. Another example is when someone's fingers or toes are abnormal, hindering his movement and work, then a plastic surgery is permissible in this case, as well.

So, there must be a considerable benefit that justifies the cutting, mending or excising of any body organ. Similarly, excising the male genital is not excluded from this assumption. So, as mentioned, if it is possible to carry out sex reassignment surgeries, then no one would be allowed to have the operation unless there was an urgent need and the person was in a state of extreme hardship and psychological frustration in a way that would affect his health and well-being. As such, this operation would be justified under these conditions, and Allah utterly knows.

Q: In one of your reported opinions, you deem it permissible for a woman to look at another woman's private parts, which contradicts the opinions of many jurists. What is the fundamental reference and juristic basis of this opinion?

A: First, the narrations that deem it impermissible for a woman to look at another woman's private parts are weak. But there is an authentic narration mentioned by Ali Bin Ibrahim quoting Abi Abdullah (a.s.)'s interpretation of Allah's saying: **"And say to the believing women that they cast down their looks and guard their private parts"**, (24:31), that calls on women *"not to look at their sister's private parts and to guard theirs"*(1).

Moreover, in Al Kafi, there is another narration that

(1) Al-Kafi, vol. 2, p: 33, tradition N◦ 1

asserts the mentioned interpretation and says: *"Everything mentioned in the Quran about guarding women's private parts is related to fornication, except in this Ayah, which refers to the act of looking"*[1].

On the other hand, there are many narrations that deem it permissible for a woman to look at another woman's loins without urgent need. For instance, some narrations mention that in the case of a conflict between a woman and her husband on whether the woman is a virgin or not, another woman can put an end to this conflict by looking at the woman's private parts to confirm the fact whether she is a virgin or not. Such a case is not urgent, because necessity pertains to situations when a person's life is endangered. And if such does necessity exist, then there will be no difference in the ruling between the man and the woman. Also in case of suspicion whether there is any obstruction in a woman's vagina preventing sexual intercourse, there is a tradition which says, *"Such matters are known by women, so seek the trustworthy woman to examine it"*. So, this alleged uncertainty is not in its right place, because any woman can put an end to this conflict without any problem or embarrassment.

Besides, the fundamental reference is in the evidence

(1) Al-Kafi, vol. 2, p: 36, tradition No. 1

given in the narration that says: *"Woman's testimony is accepted in all matters that man cannot look at"*(1). This means that the testimony is accepted in all situations where the man cannot look at the private parts of a woman herself, whereas a woman can. Here the loin is included in the term "all" and this refers to all the parts that the man cannot look at, while a woman can, knowing that the term "all" includes hair, breasts, arms and loin. I adhere to this generalization where testimony comprises all the parts that man cannot look at, among which is the loin, or else what would be the difference in the ruling between the man and the woman.

Thus, in matters of woman's delivery, women are exclusively engaged, and men do not have the right to take part unless it is quite urgent. If necessity was what governs this matter, then it would be meaningless for the narration to include such a specification, since necessity governs and equally allows both the man and the woman to take part in the action, so the abovementioned narration is evidence on the fact that a woman can look at another woman's loin without urgent need.

To sum up, in the concerned narrations, it is clear that the difference between the man and the woman concerning looking at a woman's loin is that man is not allowed to look. If the same rule of impermissibility

(1) Mustadrak Al-Wasa'il, vol. 17, p: 426, tradition N◦ 21750

applies to both the man and the woman, then any of them would be allowed to look, under necessary conditions because they are equal before the rule of prohibition. But looking must be restricted to the need and must not include the needless ordinary look; and Allah utterly knows.

Q: Your belief that the woman has no spermatic fluid, and consequently her masturbation induces no sperm has brought about great confusion amongst the public. Could you please explain the details of this ruling together with the consequent ambiguities? And what are the principles and traditions on which you based your opinion?

A: It must be noted that if the woman had spermatic fluid similar to man's, which runs upon orgasm, then the woman must perform Ghusl just as man does in a similar situation, and consequently, woman's masturbation would be prohibited on the basis of the legal foundation. Whereas, if the woman does not have spermatic fluid, then Ghusl is not a must as unanimously approved by jurists, and consequently, women's masturbation would be permissible, because its prohibition is restricted to sperm running, so, in the absence of spermatic fluid, masturbation is not an issue to be prohibited or allowed. This is exactly similar to the case where a man plays with his penis without ejaculating sperm - also unanimously approved by jurists - which does not necessitate Ghusl, because prohibition is not based on sexual excitement

but on the misplacement of spermatic fluid (as reported in some narrations).

However, even if the assumption, which says that the woman has no sperm, was proven to be true, we advise women not to indulge into this bad habit (masturbation), because its practice would lead to negative consequences upon marriage and would cause psychological, neural, physical and medical complications that might threaten her normal life, social status and future marriage. In this respect, some jurists, commenting on my opinion regarding the permissibility of woman's masturbation, regardless of sperm run, refer to two narrations, the first of which is narrated by Oubeida Bin Zarara, who said: "Once, an old neighbor of us had a pretty and expensive bondwoman. That old man could not have full sexual intercourse with his bondwoman, who would ask him to put his hand on her labia because that gave her greater pleasure, but he detested that". So, the old man demanded that Zarara ask Imam Ja'afar As-Sadiq (a.s.) about the matter.

So, Zarara asked the Imam, who said: *"There is no harm in using any of his body parts to give her pleasure, but he is not allowed to use anything other than his body"*(1).

The second narration is given by the same narrator,

(1) Wasa'il Ash-Shia, tradition N◦ 2

Zarara, and it says: "I asked Imam As-Sadiq (a.s) about men who have many bondwomen, but they cannot have full sexual intercourse with them, so they give them pleasure by other means". *Then, the Imam replied: "There is no harm in using any of his body organs"*[1].

However, the two mentioned narrations clearly prohibit the use of any outside means to satisfy the wife's sexual desires, yet they permit the use of the male's other organs, including the hand, to satisfy the wife. But they do not indicate whether she can use her own hand or not.

Q: Since this Fatwa does not represent a practical necessity; but rather, it might lead to corruption and moral dissolution when adopted by women, some ask: why are precautionary Fatwas not issued in this respect? And why is this Fatwa brought up in general?

A: Those who say so have not examined thoroughly the critical problems that women experience when they are encountered by urgent needs, which drive them to inquire about the legal ruling that might put an end to these problems.

We have experienced the depth of these problems through studying the various cases and through receiving questions that seek rulings in certain cases, such as when a woman's husband is imprisoned and she

(1) Wasa'il Ash-Shia, tradition No. 3

is not sure whether he is dead or alive, or when a husband spends a long time in prison in the absence of any legal procedure that might lead to divorce, or when a husband is in a state of absence, where the wife should legally wait for four years to be then divorced by the judge, provided that the husband's guardian does not sustain her - but if he does, she has to remain the man's wife forever - or the husband remains abroad for a long time where reunion is impossible due to financial reasons.

All these cases result in serious sexual problems, which drive the jurist to think thoroughly and search for possible solutions. It is natural that women's masturbation would sometimes lead to negative consequences, but prohibition or negligence on the part of the jurist would also have far more negative impacts on the woman's life, especially the married one who has no lawful opportunity to solve sexual problems. In short, the mentioned details pressed me to study the subject in a Shariah-based responsible way.

Q: Can we not consider the above-mentioned damage a main cause that necessitates prohibiting this habit?

A: I do not think that this habit would lead to damage, to the extent that necessitates prohibition. Moreover, there is a consensus among jurists that prohibition is limited to the running of spermatic fluid. So, if a man plays with his penis not intending to induce sperm, and if he managed to restrain himself before orgasm leads to

ejaculation, then he is not considered a sinner. Consequently, he must not perform Ghusl, and he must not break his fast if he is fasting. This is agreed upon by all jurists because masturbation - as understood by all jurists - means the excretion of sperm.

Q: So, why has Islam not permitted lesbianism, since no sperm excretion takes place?

A: This is because Islam has prohibited all forms of unnatural sexual relations between man and woman, since such relations would not be based on a legal contract. So, sexual relations among people of the same sex are rejected in Islam, which wants men and women to naturally practice their sexual relation through their inherent physical characteristics, because the natural state of Allah's creation is not represented through homosexuality or lesbianism. Moreover, Allah did not create man's body, whether male or female, to practice such unnatural relations; perhaps because of the consequent damage of leaving normal relationships.

Q: Must a woman perform Ghusl if she had a wet dream?

A: I have already said that the woman has no spermatic fluid, but supposing that she does, then the woman's wet dream would be the same as the man's; meaning that if she dreams of having sex with a man without a consequent fluid, after examining her clothes, then she does not have to perform Ghusl; however, if

there was - in accordance with the supposition - then she has to perform Ghusl. However, it is well known that the woman does not have that liquid which comes out from the man upon sexual intercourse. Thus, we believe that Ghusl is not a must for women who have sexual dreams.

Q: Is it lawful for a woman to look at another woman suspiciously?

A: If the mentioned suspicion refers to the woman's attempt to endear herself to another woman for unlawful acts, or lesbianism, then the look is prohibited.

Inferiority of sex

Q: One of the secular writers has put forth the idea that Islam views sexual intercourse as inferior, taking as evidence that Islam imposes performing Ghusl after intercourse to purify the soul from the impurities of sex. What is Your Eminence's opinion?

A: I believe that this way of interpreting Ghusl is incorrect, because it [Ghusl] is not based on the Islamic inferior view of sex, knowing that Islam encourages sex and deems it a human right for both men and women. Moreover, Islam even requires man to satisfy his wife's sexual desires, and not fulfill the intercourse before his wife is satiated. Also, some traditions mention that the human may be rewarded for sexual relations, which protect him from committing sins. As for the issue of Ghusl, it does not imply a spiritual filth, but rather it

implies that when man ejaculates after having sex, the whole body takes part in the process, so the Ghusl represents a type of spiritual and physical purity suggesting clearness and refinement; which liberates man from indulging in physical pleasures.

On the other hand, Islam considers semen as impure as urine, and since the whole body naturally takes part in the process of ejaculation, then the whole body is concerned; thus, Ghusl is more related to the physical aspect than the spiritual one. Jurists who believe that ejaculation upsets the soul base their judgment on their own reasoning, and not on an authentic juristic ruling.

Furthermore, there is a big difference between saying that ejaculation represents moral filth and implying that it is a physical filth. Accordingly, Ghusl is not a must by itself, but it is a must for a Muslim to be prepared for prayers and for any state that requires purity.

Mainly, there are two types of impurities. The first includes the direct material impurities, such as urine, blood... etc. and the second comprises a joint participation between the body and the soul, but not on the basis of inferiority. Besides, we know that ablution is a must for prayers after sleep, so can we say that Islam views sleep as inferior? This is meaningless. Islam wants the Muslim to renew his physical state by performing Ghusl and to renew his spiritual state through opening up to purity and consequently approaching Allah, the Most

Exalted. So, the obligatory Ghusl after ejaculation is the same as the obligatory ablution required for prayers after sleep. No one can say that Islam views sleep as inferior, and Ghusl and ablution lead to the physical purity as a means to spiritual refinement, provided that Ghusl and ablution are done in pursue of Allah's satisfaction.

The hymen

Q: Orientals in general, and Muslims, in particular, are accused of giving the women's hymen a greater importance than that it deserves. What is Your Eminence's comment?

A: I do not believe that the issue is as expressed, even though there are some traditions that recommend marrying a virgin; however, this does not mean that virginity is a sacred issue. As a matter of fact, this is based on the fact that the virgin, who has not been married before, opens up to her husband more faithfully and adherently, since her husband would be the first man in her life, and when one joins the first person in his/her life, it is natural that his/her feelings are different from those of a person who had a previous experience with another person. I agree that social traditions have expanded the issue of women's hymen to the extent that it has become a value, believing that marrying a virgin, which leads to ''hymen rupture'' often associated with violence, represents virility and manhood. This is not a religious

state, but rather, one that is based on social traditions and customs.

Religiously speaking, virginity is a symbol of chastity opposing non-virginity resulting from fornication; however, if non-virginity is natural, then it is not considered a negative value, similarly, virginity is not considered a sacred positive value, except in the mentioned explanation.

Female circumcision

Q: Female circumcision has recently made a great deal of controversy among the public. What is the Islamic ruling concerning this issue? Is it true that Islam supports restraining the tense of a woman's lust?

A: Circumcision was an Arab custom, which extended until the emergence of Islam. So, when we study the reported traditions, we would not find any instance that urges or encourages circumcision in a way that renders it recommendable for girls; however, the traditions that talk about circumcision do not imply prohibition. Moreover, there are some traditions that narrate that the Prophet (p.) advised the women who performed circumcision not to misapply it. This indicates that female circumcision is lawfully permissible, unless it would lead to negative consequences or harm, knowing that the restraint of a girl's lust might have negative results on her future marriage. In this case, it is prohibited.

In other words, a girl's circumcision is lawful, provided that it does not negatively affect her body or future marriage. If circumcision causes her great damage, such as frigidity, which naturally affects her life, then circumcision will be impermissible.

I think that the only thing resulting from this process that could somewhat be considered positive lies in the ancestors' belief that the less lustful a woman is, the closer to chastity she would be, so they sought this method to reduce the sins committed by the girls, which might dishonor a family or a tribe. But, this view is rejected for it is not right to perform such an act, for it may lead to dangerous consequences only to prevent an anticipated problem.

Besides, lust is not a negative value, but rather a natural human trait created by Allah to preserve the natural process on which sexual reproduction and family ties are based; consequently, the man is attracted to the woman, and the woman is attracted to the man. However, lust may represent a negative value when it intensifies, and consequently leads to negative effects, such as moral deviation. Thus, we cannot consider lust something negative which needs to be restrained except when it comes to unnatural cases where lust might result in deviation.

Moreover, Imam As-Sadiq (a.s.) is reported to have

said in one of his traditions: *"Circumcising a boy is a part of the Sunnah of the Prophet (p.); however, circumcising a bondwoman is not"*(1).

In another tradition, Imam As-Sadiq (a.s.) said: *"Circumcising women is a noble deed, but neither a part of the Sunnah of the Prophet nor a must. And what is better than a noble deed?"*(2).

It is clear that circumcision represented a way for women to gain their husbands' respect in accordance with the social traditions prevailing at that time. This is suggested in the Prophet's advice to Um Habib, who used to circumcise bondwomen. When the Prophet (p.) met her, he asked her: *"Do you still practice the same job?"* She replied, ''Yes, until it becomes prohibited and you prevent me from doing it''. Then the Prophet (p.) answered, *"It is lawful. Come nearer and let me teach you"*. When she approached him, he (p.) said: *"Um Habib, when you circumcise, do not wear out and do not mutilate, for this is better for the radiance of woman's face and is more preferred by the husband"*(3). So, this is what was meant by Imam As-Sadiq (a.s.)'s word about a noble deed, where the process was related to social traditions pertaining to embellishment and to liking

(1) Wasa'il Ash-Shia, tradition No. 27532
(2) Wasa'il Ash-Shia, tradition No. 27533
(3) Wasa'il Ash-Shia, tradition No. 22170

women. However, when traditions change, then the ruling might differ with the difference in conception, where a noble deed might turn to be its opposite, just like any case that changes with the change of the objective reality, where rulings vary positively or negatively; and Allah utterly knows.

Q: Some view Muta'a (temporary marriage) as legalizing fornication in all its details including motives, practices and consequences, or they believe that Muta'a is a second degree marriage where woman is despised and deprived of inheritance and custody of children. What is your comment?

A: When we study Muta'a in this context, we have to raise a question: Is a woman's or a man's sexual practice a shameful act that degrades him or her? Or is it a natural need that represents natural instinctive satisfaction, such as eating and drinking?

Naturally, we cannot deem sex a negative value or a filthy or shameful act that demeans the woman's character; otherwise, sex of permanent marriage would also be considered shameful.

So, sex in itself is not a disgraceful behavior, and Islam is trying to solve sexual problems in the same way it solves problems of eating and drinking and all matters concerning the physical instinctive elements. Here, another question is raised: Did Islam legalize the

temporary marriage, even in particular cases or not?

Muslims agree that Islam legalized it, so the principle legislation by Islam - even in specific circumstances - implies that the sexual practice of Muta'a demeans neither the woman nor the man, because the sexual intercourse in the temporary marriage is the same as that of the permanent marriage concerning one's high esteem or degradation, and concerning the nature of the sexual practices in both types of marriage; accordingly, the woman is not degraded, or else how would Allah approve of woman's inferiority and degradation while He says: **"And surely we have honored the children of Adam...?"** (17:70).

Still, there is a juristic conflict concerning the following question: Did Islam extend the duration of temporary marriage legitimacy in the same way it extended that of a permanent marriage or it confined it to a specific time? And the answer to this basic question is: why Muta'a?

Muta'a represents a human need for sex in cases where permanent marriage is not possible, or it does not represent a comprehensive solution to the sex question. The legitimacy of this issue was initiated by the need of those Muslims in war times.

The Prophet (p.) was asked whether castration was the appropriate solution to quench men's wild lust in times of war; thus instead, the Prophet (p.) permitted

Muta'a[1]. This incident represents a model for all cases where man cannot marry permanently in situations, such as traveling and seeking education, or under critical economic and security conditions or in any case whose problems vary in time and place. This means that Muta'a was adopted in the absence of any reliable solution facilitating permanent marriage. So, if Muta'a becomes common and natural, and if it complies to traditions and customs of a society, then both the man and the woman will be sexually satisfied without any obstacles that may drive them to fornicate.

Accordingly, we can say that sexual intercourse is not filthy by itself, neither for the man nor for the woman, but Allah, the most Exalted, prohibited fornication, because it does not totally comply to the rules concerning children or family relationship, but rather, it represents a situation where the woman sells herself; whereas, Muta'a represents an actual marriage, where the man and the woman share sexual practices as a married couple, although temporarily, and where the woman feels that she is having sex with her husband in the absence of any complex or feeling of filth, because the marriage contract

(1) Sahih Muslim, vol. 4, p: 130. Qays said that he heard Abdullah saying: "We used to accompany the Messenger of Allah (p.) to wars and we did not have women, so we asked him if we could castrate. He refused and allowed us to marry women for a certain sum of money and for a certain period of time".

gives them the impression that their relation complies to the legal system and is far from impurity.

Moreover, the contract of Muta'a provides protection to the newborn, even if his birth occurs by mere coincidence. The newborn, in a Muta'a marriage, is a legitimate child who would be provided with the documents that confirm the contract and assert the relation between the mentioned couple and the newborn. As for the questions concerning the idea that Muta'a deprives the woman of alimony and inheritance, we say that the nature of this kind of marriage necessitates these conditions, and the woman who agrees on temporary marriage accepts the conditions voluntarily and out of her own freewill, in the same way a woman permanently marries a man under the condition that her husband will not bequeath to her.

Temporary marriage is also allowed in cases where man cannot provide a house or spend money due to an economic crisis or other causes. It is a contingent marriage, and not a permanent one. So the matter is not as bad as it is expressed in the question.

This issue should be handled in relation with whether Prophet Muhammad (p.) invalidated Muta'a after validating it or not. This is the secret of the conflict between the Sunnis and the Shiites. The Shiites believe that Muta'a marriage is lawful, for the Prophet (p.) did not invalidate it; whereas, the Sunnis believe that Muta'a

is prohibited, because it was invalidated by the Prophet (p.).

Muta'a and legalized fornication

Q: Since fornication, especially in western countries, is always based on a mutual agreement or arranged in return for material substitute, what is the difference between fornication and Muta'a, and why is the relation prohibited in the former and allowed in the latter?

A: The difference between consensual fornication and marriage, be it permanent or temporary, is the contract that indicates the willingness of marriage between the couples, whether verbally or in a written form. This is available in marriage, but not in fornication. Through marriage, be it permanent or temporary, Islam allows family or sexual relations; thus, marriage adds to the legitimacy of the mentioned relationships; however an agreement between a man and a woman is not enough to attain legality, for all dealings, whether allowed or prohibited, are based on mutual agreement. For example, usury is based on mutual agreement but it is an unlawful deal, whereas, the contract adds to the agreement the willingness of the spouses to deeply attach to one another and to form a relationship.

Moreover, in the relations that are based on fornication, and in the west in particular, mutual agreement is available but not on the basis of the will

to marry or to make a family; that is, couples start as friends, then as lovers, where they practice fornication, and then they marry... It is worth mentioning that fornication is not approved in different parts of the world, and it is considered an illegitimate relationship rejected by the law, since it is not authenticated by a contract. So, the west did not legalize fornication, but rather it has legislated laws that protect the rights of female fornicators and the rights of the "illegitimate child", in relation with his parents, without allowing such relation. Thus, the resulting newborn is called the illegitimate child of so and so, knowing that the public knows these parents. Moreover, the west regards the unlawful sexual intercourse committed by spouses outside the circle of marriage as infidelity, and the husband or the wife has the right to file a lawsuit against his/her spouse.

Jurisprudence of Literature

Q: Is it permissible for a Muslim man of letters to produce literature that brings about pessimism? What if it is not done on purpose?

A: As far as this point is concerned, there is quite a difference between two types of pessimism. One type of pessimistic literature depicts reality focusing on its complicated problems, suggesting the impossibility of finding any solution through the present elements, even at the level of Divine prompt interference. This type of literature concurs with the intellectual deviation that questions the omnipotence of Allah. The following Quranic Ayah on Yaaqoub's speech to his children about Yusuf's absence exemplifies the above mentioned notion: **"O my sons! Go and inquire respecting Yusuf and his brother, and despair not of Allah's mercy; surely none despairs of Allah's mercy except the unbelieving people"**. (12:87). This Ayah associates desperation of Allah's mercy, which means ruling out any solution through Allah's interference, by disbelieving in Allah and denying His omnipotence.

In this respect, the Muslim man of letters must be aware of the Islamic concepts pertaining to Allah,

universe, life and Allah's omnipotence, so that he would employ them, whether in stories, images, prose or poetry, whose events should serve this purpose.

On the other hand, there is another type of pessimistic literature which reveals the complexity and impossibility of the plot within the limits of the then current phase, or the private situation prevalent according to the surrounding objective circumstances that are part of Allah's laws on the universe, man, and history, where the artistic movement in a story or a poem would be based on the objective reality. A clear indication to this is the text about how Allah tried man with fear, hunger and loss of property, life and wealth. This is permissible, because it concurs with reality, represented by fatalism and causality: **"Allah indeed has appointed a measure for everything"**, (65:03), **"Corruption has appeared in the land and the sea on account of what the hands of men have wrought, that He may make them taste a part of that which they have done, so that they may return"**, (30:41), **"And Allah sets forth a parable: (Consider) a town safe and secure to which it means of subsistence come in abundance from every quarter: but it became ungrateful for Allah's favors, therefore, Allah made it to test the utmost degree of huger and fear because of what they wrought"**. (16:112).

These Ayahs and others show the negative impact of developments on man's virtual movement through the

nature of causes, whether those that have to do with his decisions or with the existential objective reality.

But the Muslim man of letters must emphasize, whether in poetry or prose, on the bright side of the picture through depicting Allah's command of the universe, and His care and Mercy for man. Allah gives him solutions in critical times and he would be sustained from sources he never expected, and guarded in unguarded situations. If he relies on Allah, he would be saved from calamities, and his invocations for sustenance would be answered and eased after difficulty. Thus, this image expands to emphasize optimism and to reject pessimism, knowing that Prophet Muhammad (p.) was optimistic, and not pessimistic.

Reality may be dark sometimes, whether on the personal, or the social and political levels, but the role of the Muslim man of letters is to denote the reality's illuminated spots, which can be compared to the spots of light spread in the sky (stars), suggesting amidst deep darkness that there shall be light which the universe awaits at sunrise.

The Islamic equation asserts the belief that the lively hope which is open to Allah must not be shut out of the believers' hearts. The blocked horizons before him should be considered only a limited and temporary stage which will be surpassed by Allah's will in the future. This is what makes the artistic literary experience a

suggestive element leading to Allah through the coordinates of a story, an idea, or a poem; consequently, the man of letters will be a caller for Allah in a distinctive literary style.

Q: Is it lawful for a Muslim novelist or narrator to conclude his realistic novels with tragic endings, such as suicide?

A: This is lawful, if it depicts reality, but this must be accompanied with a suggested indication to the negative circumstances which have led to such endings, and to the lack of faith on the part of the one who has committed suicide. The novelist or the narrator should also suggest a rejection to such an attitude in confronting emotional, materialistic or psychological shocks. This can be done by inciting self-power to rebel against shortcomings in reality, so that the novel would become an artistic image that depicts the natural reality and artistically suggest the importance of overcoming such obstacles. The novel should in no case turn into a call for suicide by evoking the emotional aspect which deems those who commit suicide martyrs worthy of respect.

In short, the man of letters must not fall before tragedy, but he has to show its causes and denote its negative consequences in order to open the conscience to the positive means, by which obstacles can be overcome.

Q: Is it permissible for a narrator to portray sexual scenes? What are the restrictions in this respect?

A: Depicting such scenes or describing their sensual details is not permissible, if it is based on the elements of excitement that might lead to moral corruption, especially if this is expressed through a cheap style which does not comprise any benefit or any suggestive idea in the line of the positive guidance.

But it is permissible if a guided story needs some signs or suggestions that are necessary for the completion of a specific event, as in the story of Yusuf (p.) when the ruler's wife tried to tempt him but he held back, or when the women of the city tried to lure him, but he appealed to Allah for help. Such scenes highlight the Islamic value by depicting that the faithful will rebel against temptations amidst the passion of lust and the domination of instinct. This requires a realistic depiction of a sexual scene or a sexual incident, in order to show the significance of values. In short, a man of letters must exploit all his artistic and creative imagery in order to rid the style of the elements of [sexual] excitement and make it closer to moral awareness.

Q: It is reported that reciting poetry in the month of Ramadan is discouraged. What do you say about that?

A: Perhaps, such reports relate to the musical element of poetry, which may not conform to the spirituality of the one who fasts or to the general atmosphere prevailing in the month of Ramadan, in which openness to the spiritual content of the word is preferable without any

other influence that may affect the utterance of the word. For instance, Hammad quoted Imam Ja'afar As-Sadiq (a.s.) as saying: *"Reciting poetry is dislikable for the one who is fasting and the one who has performed Ihram, and the one in Al-Haram Mosque on Friday and at night"*[1]. Then, Hammad asked the Imam if this applies to the righteous poetry, and the Imam answered that it does.

Q: Is it lawful to manipulate a true story by adding or eliminating parts to create an atmosphere of suspense and diversity? Or is it a must to preserve the authenticity of the narrative?

A: It is lawful if there is evidence that the narrative maintains its suggestive content that is related to reality through its movement in the consciousness of the reader, and not through the objectivity of its details. Perhaps, many Quranic parables utilize these methods. The same parable is repeated but in different styles for the sake of the suggestive imagery in the intellectual, ideological, and moral guidance.

Q: What is the ruling regarding the poems that are meant to praise and glorify the fair ruler? What about the unfair ruler?

A: Praise must not exceed what he who is praised is worthy of, in accordance with his traits and realistic deeds. This has been mentioned in the following

(1) Wasa'il Ash-Shia, tradition No. 13137

tradition: *"A believer's satisfaction never leads him to offence or injustice"*[1]. Moreover, exaggerating praise is associated with telling lies, which may lead to negative consequences, as the poet loses people's trust. However, it is permissible if he who is praised is worthy of praise.

On the other hand, poems that are meant to praise the unfair ruler are prohibited on the basis that they are false and support this ruler. This is mentioned in a Hadith by the Messenger (p.): *"He who praises an unjust ruler or humiliates oneself to acquire his approval and to profiteer will inevitably accompany the ruler to Hell*[2]*"*.

Q: What are the restrictions concerning the poems of dispraise, satire, scolding and insinuation?

A: Defaming a believer by enumerating his defects, by insulting, scolding or insinuating him is not permissible, because it offends his dignity and results in slander, defamation, insult and disgrace, which are forbidden by both the Quran and the Sunnah. Moreover, the Holy Quran utters the illegality of slander and defamation in several Ayahs, such as: **"Woe to every slanderer, defamer"**. (104:01).

On the other hand, if satire and dispraise conform to the reality of the dispraised or satirized person, this would be considered as backbiting, disgrace, insult,

(1) Al-Kafi, Al-Kellini, vol. 2, p:234

(2) Wasa'il Ash-Shia, by Al-Hurr Al-'Amili, tradition N◦ 22306

slander and humiliation, which are also unlawful. But if the information set forth disagrees with reality, this will be regarded as falsification, calumny, insult, and oppression, which are unlawful as well. But it is permissible to satire those who deserve satire, such as oppressors, heretics and deviants in order to fight such patterns and prevent them from having any negative influence through their deviant course of action. On the other hand, it is not lawful to defame those who do not deserve such description, even if they disagree with religion or ideology, or they show comity towards us personally, because this is considered oppression, as represented in Allah's saying: **"And let not hatred of a people incite you not to act equitably; act equitably, that is nearer to piety"** (05:08). Moreover, the following Hadith maintains a similar concept in describing the believer: *"A believer's resentment never deters him from uttering the right.."*. The supplications of Imam Ali Bin Al-Hussein, Zein Al-Abideen, (a.s.) include similar evidence: *"O Allah, grant me guard against errors and shield against sin, whether in time of satisfaction or wrath so that I maintain your obedience and prefer your satisfaction to that of supporters and opponents when I am tested, so that my enemy will feel secure from my injustice, and my supporter will despair of observing inclination and the means of my caprice"*(1).

(1) As-Sahifa As-Sajjadiyya, the supplication in hardship.

Q: Is it permissible to court a pretty woman, known to the listeners through a poem? What if she is not known? What if her name is not mentioned?

A: Whether in poetry or prose, courting a pretty woman is permissible, in principle, even if she is known to the listeners, unless the mentioned act leads to disgracing the sanctity of the faithful woman, as in some conservative societies, where courting a woman is associated with shame, disgrace and malediction. Then, this will be unlawful because the act disgraces the purity of the believer.

In the light of this, courting a pretty woman whose name is not mentioned and whose identity is not revealed in a poem is permissible. Also, if the poet does not specify the woman in question, and if the society does not consider courting as a source of disgrace, shame and insult, then courting is considered lawful.

It is worth mentioning that in some societies courting is highly appreciated as a means to encourage men to marry... However, it must be noted that legalizing courting a pretty woman excludes any implication to any desired indecent relation with the specified woman.

Q: Is singing the praises of wine in poetry permissible?

A: It is not impermissible in itself, especially when it symbolizes some Irfanic (Sufi) concepts. But it might become impermissible if it encourages or allures people to drink alcohol, since it would represent a kind of praise

to evil and Haram. Anyway, Islam does not open up to such an attitude even if the praise is symbolic, since if God deems something unlawful for the harm it incurs, He wants people to stay away from it and keep one another away from it by all means. This makes talking about alcohol as something desired in poetry and prose rejected by Allah, the Most Exalted, Who wants people to like what and whom He likes and dislike what and whom He dislikes.

This is what the believing writer or Sufi should be aware of, so he has to keep praising alcohol, whether in itself or as a symbol to something else, away from his poetry or prose, since the believer's way of expression must conform to what he believes in.

Q: There are some attributes, especially in love poetry, that raise the loved one to the status of an "idol". What do you say about such descriptions?

A: This is impermissible as a means of expression, for just as Allah, the Most Exalted, wants man to be monotheistic at the doctrinal level, He also wants him to believe in His oneness in his way of expression. Expressions should not contradict the doctrinal unification of Allah, the Most Exalted, even if one does not mean it. In the context of explaining the following verse: **And most of them do not believe in Allah without associating others (with Him)**, Imam Ja'afar As-Sadiq (a.s.) said: "It is about the person who says 'if that person

hadn't been there, I would have perished'...Do you not see that he attributes a partner to Allah in His Kingdom who can give him sustenance and protect him?!''

The narrator says: ''I asked him: what about saying: 'If Allah had not graced me with that person, I would have perished?' He replied: 'There is no problem with that'''. Imam Al-Baqir (a.s.) considered swearing by the life of someone else to be included in the same category of attributing partners to Allah, the Most Exalted. Thus, the expression that suggests associating partners to Allah, the Most Exalted, is refused in the Holy Quran, even if the speaker does not actually mean it.

In the light of this, worshipping anybody other than Allah, the Most Exalted, even as an exaggeration, does not conform to the purity of the doctrinal belief in the oneness of Allah.

Q: Is fiction a kind of lying? What about didactic fiction and the form of fiction meant for education?

A: No, it is not, because what constitutes lying is the act of giving information meant to reveal reality yet without conforming to it. However, this does not apply to the fiction that aims to depict an idea and deepen it to reform a situation by suggesting some of the repulsive active sides or to preach religiously and morally to bring people closer to Allah and to the spiritual, moral and social Islamic values.

Q: People are accustomed to listening to a man courting a woman. Are women equal to men in this respect? Is it normal for a woman to court a man in a poetic celebration?

A: The common styles of courting in Arabic literature, which extend to reach intimate relations, may turn into a means that leads to indecent relationships, which is unlawful due to special secondary considerations, if not due to primary ones, under the title of obscenity. On the other hand, if courting through pretty words abandons these unlawful terms, it is acceptable.

In principle, a woman courting a man is as lawful as a man courting a woman, if no contingent unlawfulness is brought about by the surroundings. Maybe, a woman's recital of love poetry is somehow exciting before an audience of males or mixed sexes in the eastern society, which may turn unlawful in some cases.

Q: Is it permissible to take part in literary contests organized by the enemies of Islam?

A: This is permissible if it does not contradict the Islamic policies that necessitate boycotting some enemies and giving up social, literary, political and economic normalization with them, as is the case with the Zionists, who are the most antagonistic in their enmity towards the believers. Moreover, participation in such contests should not violate the moral values and the Islamic ideology. In the light of this, it is impermissible to take

part in any literary contest organized by an Israeli cultural party, because dealing with Israel is absolutely unlawful.

Q: In Surat As-Saff (the Ranks), Allah says: **"It is most hateful to Allah that you should say that which you do not do"**, (03:61), and in Surat Ash-Shuara (the Poets), He says: **"And that they say that which they do not"**. (26:226). Does this mean that some poets are hateful? If so, who among poets are hateful?

A: What is rejected in the mentioned Ayahs is poetry that expresses neither reality nor faith, but rather it moves in the line of false claims and expresses the separation between sayings and deeds, which encourages falsification in life. Moreover, Allah excluded certain poets in Ash-Shuara Ayah: **"And as to the poets, those who go astray follow them. Do you not see that they wander about bewildered in every valley? And that they say that which they do not do"**. (26:224)... He excluded the poets that have a certain goal and follow the message and commit themselves to honesty, right and justice, **"except those who believe and do good and remember Allah much, and defend themselves after they are oppressed"**. (26:227). This means that Islam rejects neither poets nor poetry; but rather, it rejects those that are diverted.

Q: Has Islam defined specific qualities for Islamic literature whether in poetry or prose? What are they?

A: Terminologically speaking, Islam has not defined

any specific qualities for Islamic literature, but the Islamic literature must represent the characters of the Islamic intellect, values, concepts, and styles in man's movement in life, which should inspire the Islamic man of letters and rid him of duality between his art and his identity. He should not be a Muslim in his life of worshipping and a non-Muslim in his art and literature.

Jurisprudence of Sports

Q: Is the use of enhancing drugs (stimulators) permissible in sport competitions?

A: This is not forbidden in itself, if it is considered an independent choice made by a human being for himself; however it is impermissible in sport competitions, which represent a contract among the competitors on the basis of commitment to specific conditions, where the athlete's ability is based on his normal body and self-power, apart from any additional element that may make his movement excessively powerful, as in the case of using enhancing drugs.

So, a Muslim must keep his word and totally commit to it, in accordance with the tradition that says: *"Believers are committed to their promises"*. In the light of the aforementioned, the use of enhancing drugs by athletes is not permissible, nor can they get a medal or a prize in case they win by such unlawful means.

Q: Is it permissible for a competitor to provoke his opponent in an attempt to make him lose his temper, and consequently drive the referee to send him away, whereby both the course and the result of the game may be affected?

A: If the rules of the game do not permit this, being an

implied rule, then he is not permitted to do so, in accordance with the implied conditions.

Q: Is it permissible for the player to react aggressively to an aggression by his opponent, whether in the playground or outside it?

A: Even though it is permissible in itself, he is not permitted to do so if the rules of the game forbid the counterattack on the basis of the conditions of the contract.

Q: Is it permissible for the competitor to make a deal before the game concerning gain and loss in return for a sum of money?

A: It is not permissible, since it is considered a kind of cheating that violates the rules of the game or the contract amongst the competitors, which undertake the game on the basis of integrity and the natural outcome of the game in the field, without deceiving the audience.

Q: Is it permissible to play under the condition of giving the winner a token amount of money in order to encourage the competitors and to make the game more enthusiastic?

A: It is not permissible to stipulate as a condition certain remuneration in sport competitions, but it is acceptable to give the winner a symbolic prize.

Q: Is it permissible for the competitor to pretend that he is suffering from pain to influence the referee's decisions?

A: Man must not pretend that he suffers from any physical pain or anything else that is not true, for it would be just like telling lies, especially if it is done to influence the referee's decisions, because this would be an attempt to exert psychological pressure on the referee to rule wrongly. This does not comply with the contract, which is based on the fact that the decisive result must reflect what actually happens during the game.

Q: How do you view the following sports: Boxing (hands), Kickboxing (hands and feet), the game of maximum violence also known as "Death Sport", automobile and motorcycle racing contests, which are risky and even life threatening, and brutal wrestling?

A: The abovementioned sports are not permissible, if they expose man's life or any of his vital organs to danger, even if he agrees on the danger that might be inflicted on him by the other opponent as in boxing and wrestling, because man does not have the right to authorize others to hurt him or expose his life to danger. This is not permissible even if it was under the competitor's permission.

As for the competitions that only lead to small harm that people can usually handle, then it is permissible, even if we deem forbidden the act of harming oneself or harming others, if there is some kind of benefit that outbalances the possible harm done.

Q: Is the act of buying and selling professional players

which is adopted by western clubs and implemented in some of our countries permissible?

A: This is permissible, but it must be noted that this is not a process of selling and buying, for the club does not own the player himself to sell him, but the club dispenses with the player, who has been committed to play for a certain club in tournaments and competitions, so the money paid will be in return for this dispensation, by which the player will be exempted from the previously required conditions to meet other requirements in the new club.

Q: Is the player obliged to report a foul he has noticed in his team and that the referee failed to notice?

A: The referee must be informed if the rules of the game impose reporting on the basis of mutual conditions implied in the contract; however, if this is not observed in the contract, the player is not obliged to do so.

Q: Is it permissible to undertake football, basketball or any other sport as a profession?

A: Professionalism or undertaking a sport as a career is permissible, provided that the lawful conditions in such situations are met.

Q: Is making bets on competitive sport teams permissible?

A: This bet is apparently unlawful, and the money agreed upon by the two parties cannot be possessed by the winning wager, knowing that the player who plays

for one of the two parties holds no responsibility for he is not concerned with the bet itself, so he is permitted to play under such a situation.

Q: Do you consider the field punishment imposed by the referee, such as temporary suspension or expulsion of a player who has committed a foul against his opponent permissible?

A: Since the contract among the players or the clubs is based on imposing the mentioned punishment on the player who commits a foul, it is permissible for the referee to undertake such a measure, and the player or his club must respect their commitment to the joint contract.

Q: Is it permissible for Muslim teams to play against enemy's teams in international tournaments?

A: It is permissible if refraining from playing might cost the Muslims a great opportunity in the sports field, where a binding disadvantage is consequent; otherwise, it is not permissible.

But it is obvious that such a situation will not lead to a serious outcome, for it is common among the players to comply with their governments' decisions in similar circumstances without resulting in any negative consequences.

Q: Is it permissible for a Muslim player to join a foreign team as in some refugee states, keeping in mind that dealing with the coach and the team members may influence him?

A: It is not permissible if the mentioned influence might drive him to deviate, commit sins or be impressed by their non-Islamic attitude. But it is permissible if the influence has nothing to do with one's religious commitment, but rather with matters that result in neither committing sins nor deviation.

Moreover, in such a situation, the matter must be carefully studied, just as any case of mixing or cooperating with non-Muslims in public and private affairs.

Q: Is changing the ages of team players under the aim of winning permissible? How would you view the result if the team wins?

A: This is not permissible, for it is considered a breach of the contract in its implicit and explicit conditions, which stipulate specified ages for the concerned players.

Q: In some violent sports, the athlete knows beforehand that the game may lead to serious injury on his body. Is this athlete, who voluntarily practices these games, considered to have sinned?

A: It is not permissible if the damage is so serious that it is not proportional to the result expected, and if it is by no means a reasonable compensation for damage. Whereas, if the acquired benefits are of great value for his life and if the injury is not that serious that it would not lead to disability, then it is permissible. Moreover, it is obvious that people, in their nature, reasonably

disapprove of the games that might result in any form of disability; therefore, such games are impermissible.

Q: Body building constitutes of growing muscles and displaying them before people and the process takes a long time before the muscles actually grow to the desired shape. How does Islam view this type of sport?

A: This is lawful, for its positive consequences are great in many respects. Also, this can be used in Jihad and it can be used to defend one's self, honor, money... etc.

Q: What are the limitations of women's sports? Is the woman allowed to play tennis, for instance, if she maintains her lawful outfit?

A: In general, women are allowed to join sport events, provided that they play with other women, and not men, and provided that they maintain the conditions of the Hijab (veil), for the woman's need of sports is by no means less than that of man's; therefore, in principle, there is no lawful impediment.

Q: Can a Muslim join a team whose members commit unlawful acts, such as drinking alcohol or other offences?

A: This is permissible in itself, if he is not affected or encouraged to commit any similar acts, on the basis of the duty of forbidding evil.

Q: Is it permissible for Muslim athletes to take part in some sport contests which are organized for profit, and can they keep their prizes?

A: This is permissible, where the associations can benefit from the money paid by the spectators to buy tickets, or from the publicities that promote these and call people's attention to them. Moreover, the prize can be taken in return for playing a game as a kind of wage or the like.

Q: Is it lawful for a winning team to demand cash money from the people in charge as a substitute for the gold or silver cup or the medals they receive?

A: It is permissible, for the prize is the team's property; however, the people in charge of the game are not obliged to fulfill the team's demands.

Q: Tennis is a game that depends on winning points, regardless of the time it takes, consequently, the game may last for several hours. Is practicing and watching this game lawful?

A: Both practicing and watching the game are lawful, provided that this act does not deter the player or the spectator from prayers, mentioning Allah, and carrying out any other binding obligations, and provided that this act does not lead to any other forbidden act.

Q: What is the Islamic rule, concerning the shorts worn by basketball players, football players, or the players of any other similar game?

A: It is permissible, by itself, for the [male] players to wear shorts, and it is permissible for the spectators to

watch them if this does not lead to any other forbidden act.

Q: Is sympathizing with the enemy's sport teams allowed?

A: Muslims' emotions should move in the line of their religious commitment, so they must not sympathize with their enemy who might benefit from this support in many aspects.

Q: In some of your opinions, you state that sports sometimes strip the Muslim of prestige and dignity, as a result of losing his temper in certain contests. Would this reach the degree of unlawfulness?

A: The legitimacy of the matter pertains to the nature of emotions, movements and practices demonstrated by the player or fan. They would be unlawful, if the outcome was unlawful; whereas, if they put forth nothing unlawful or disliked, they are accepted.

Moreover, Islamic morals demand that the believer should always control his temper and be aware of the positive and negative consequences of his actions. Therefore, he is not allowed to act under the influence of his temper, which might cause him to lose the ability to see things clearly.

Q: How do you view the spectators' negative reactions to the match, which might lead to cursing and insulting the losing team, and even throwing rotten tomatoes and eggs at them?

A: This is by no means permissible on the basis of the unlawfulness of offending others, whether by words or deeds, which might lead to insult or harm or the like.

Q: What are the restrictions of practicing sports in general?

A: The legal restrictions of sports are not different from those of any other act; so, a Muslim must commit himself to the legal obligations of the act's nature, to abide by the concluded contracts, to keep his word, and not to offend, cheat or harm others.

Man has the right to play the games whose benefits enable him to grow and strengthen his body, to make use of his abilities, and to assert his position in these domains, among the nations, which raises the status of the Islamic nation before others.

On the other hand, while playing any game or practicing any sport, a Muslim must be aware of the true meaning of Islam whether in his individual behavior or in his relation with others. Therefore, he must not be wholly absorbed in a game or distracted from Allah's orders and prohibitions here or there, and he must not lose control over his actions in the different aspects of life. In short, the real Muslim should never make a step forward or backwards, until he is sure that this step would grant him Allah's satisfaction.

Q: Some believe that football is a game that trains the

feet but paralyzes the mind, taking into account that football impedes the player's work or process of thinking. What do you say?

A: I think the matter in question is not as negative as you have mentioned. I believe that football is a physically beneficial game, so by itself, it would lead to good results, since it would distract the youth from being preoccupied with unlawful thoughts and acts. It also fills their time with what benefits their bodies and enhances in them the feeling of the necessity of joining a competition against others, provided that it is not dangerous. But, whether in this game or any other one, Islam insists that a Muslim should not be completely obsessed or distracted from one's Islamic responsibilities towards his family or towards his life as a whole.

Q: Violent sports, such as wrestling and boxing, arouse man's brutal instincts. What is the Islamic rule concerning this issue?

A: There are two approaches that one can utilize with respect to violent sports. The first pertains to man's need to defend himself. In this sense, he would learn boxing so as to defend himself when he is faced with any kind of attack. And we are all aware of incidents where women, who were subjected to all kinds of offenses or attempts of rape, managed to escape or survive by practicing Karate or any other kind of self-defense they have learned. Therefore, such type of violent sports is amongst the

means and ways man can use to defend himself. In short, it is permissible for a Muslim to learn these games, to watch them, and to practice them against any attack.

The second approach deals with the harmful consequences inflicted upon the boxer as in tearing out the opponent's eye or in breaking a bone. In this respect, there are many lawful reservations, especially if the mentioned games are taken as a profession, and not as a means for self-defense, because it is not permissible for man to seriously harm any other person - even with his approval - and because no one is allowed to enable his opponent to violently cut his eye or break a bone, unless it is related to a supreme interest, such as when man's life largely depends on the extirpation of one of his body organs.

Jurisprudence of Rituals

Q: What is the ruling regarding the act of crying in Ashura over Imam Al-Hussein (a.s.) and his progeny (a.s.)?

A: The spiritual bond with Al-Hussein (a.s.) and the elite of the Members of his House and his companions ought to be an emotional bond, as well as a faithful rational one, for loving the revolutionist requires enrooting his revolution in one's heart and thought at the same time.

In the beginning, the Members of the House (a.s.) who planned for reviving the memory of the Hussaini revolution wanted people to hold Ashura ceremonies and chanters to recite poems that make people cry, for they used to stir emotions in the way that was common at the time. We are aware that the act of crying is one of the essential means of expressing one's feelings, but does crying represent a lifeless traditional state, i.e. a ritual just as any other Ashura ritual? Is this crying not in any way related to one's innermost? Does the act of crying take place without any awareness? Or does this crying represent how deep man is interacting with the cause of Al-Hussein (a.s.)?

As a matter of fact, we must not experience Ashura as

a traditional state that brings about tears, turning crying merely into an external aspect. Rather, it should be based on the awareness of the cause as a whole, away from its surrounding environment and the tunes used in composing the poems, in a way man would cry over it as if he is crying over an ordeal that he had gone through. Actually, this is what enroots the memory in one's conscience and preserves its vibrancy in his feelings, instead of turning it into a tradition, in which he would cry as he sees other people crying, or cry just because it is required to cry during Ashura without being touched by the misery or tragedy, i.e. turning Ashura into an occasion for crying upon listening to the tune played, rather than an occasion that reveals the depth of the human affection.

Q: You deem "violent slapping" forbidden, what is meant by this kind of slapping and is ordinary slapping enlisted under the same category; thus, deeming it forbidden, as well?

A: I consider slapping, in its nature, a means to express deep grief and sadness. Therefore, I cannot but encourage the phenomenon of slapping in the Hussaini Ashura procession and I disapprove of removing it from the Ashura rituals. However, we must keep in mind that slapping, just as crying, is a means for expressing the humanistic state of grief; thus, it would be natural that it should, in a humanistic way, be carried out by means of composed slapping that reveals reverence, rather than

violent show-off slapping that represents one of the discordant forms through which people express any of their situations; thus, making slapping lose its expressive sense by turning it into a kind of a show-off art.

Moreover, just as other jurists, I deem the act of inflicting harm on one's own body forbidden, even if this harm does not lead to a major danger, meaning that if slapping reaches a level that affects man physically, even if he would recover in a day or two, I still deem this act forbidden, for it would be of the same nature as when one exposes himself to cold wind to catch bronchitis, or eats a meal that he knows will cause him a fever or diarrhea. Therefore, I deem all such acts forbidden, for Allah prevents man from inflicting harm upon himself, for the act of harming oneself is forbidden, just as it is forbidden to wrong others.

Allah, the Most Exalted, says in His Glorious Book: **"And We did them no injustice, but they were unjust to themselves"**. (16:118). Actually, this Ayah reveals that Allah rejects the act whereby man wrongs himself, be it by unbelief which makes his abode in Hellfire, or by violating his own human rights. Moreover, inflicting harm on one's self is forbidden, rationally and mentally, as Sheikh Murtada Al-Ansari (May Allah shower him with His mercy) has mentioned.

Therefore, by forbidding the act of violent slapping that harms man, I am actually doing so from the

perspective of forbidding harm itself, and not forbidding one of the features of commemorating Ashura. As a matter of fact, we encourage commemorating the tragedy of Karbala by any means that express sorrow and grief, provided that they conform to the line of the Shariah.

Q: Are the feasts held during Ashura and the donations dedicated for this purpose considered among the rites for commemorating Ashura?

A: Actually, this constitutes a social occasion to express love towards the Members of the House (a.s.) and Al-Hussein (a.s.) by holding feasts in his name; thus, revealing to people that Al-Hussein (a.s.) can bring people together to commemorate his tragedy in a social occasion, where people gather around to share food, which constitutes a primary step towards uniting over Al-Hussein (a.s.)'s revolutionary issues. This represents a social act in which people share their love for Al-Hussein (a.s.), considering that it is done for the sake of Allah, and dedicated to the soul of Al-Hussein (a.s.). However, I prefer that people invite the poor who might be deprived of such food to such meals and feasts.

Q: Are the processions and marches held during Ashura considered one of the acceptable forms of commemorating this anniversary?

A: The marches and processions held during Ashura actually represent a great means for mobilizing the entire

society, including men, women, the youth, and the elderly, for they would form a current that moves towards the horizon that Imam Al-Hussein (a.s.) has opened for all those who would follow his lead. However, I would like these processions not only to highlight the tragic aspect, but also to include the social and moral aspects, as well as the political one wherever possible.

We can also include the political issue by talking about the politics in the past, from which people would deduce what applies to the present and future. We also want the huge effort exerted in the course of pledging allegiance to the Members of the House to be turned into an adoption of their values, as well as their social and political lines both in theory and practice. This would actually be a true revival of their memory, for the tragedy allows people to experience it from an emotional aspect, as a primary step that leads them to the political, social, and moral aspects.

Moreover, I even call for renewing the emotional means of expression, for lots of the means and ways still used by people in funerals and processions have become obsolete, for they used to express the cultural context that linked the tragedy itself to the feeling of sorrow. As for the present day, there are new methods for expressing one's grief and making use of the emotional aspect to immortalize the tragedy.

Q: Is it permissible to use rhetorical methods and unrealistic emotional suggestions to stir people's feelings and evoke their emotions? And is it permissible to use inaccurate or questionable narrations just because they are exciting and could evoke people's emotions and bring about tears?

A: We believe that it is necessary for the speaker who recites the Hussaini tragedy to be literarily educated, meaning that he should possess the skill of artistic expression, for it is by such artistic image, which highlights the scene with its shadows and colors and which points out the moral suggestions in the atmosphere of the narration, that one could leave a profound impact, especially when we rely on the elements of the true tragedy, which open up man's feelings to the invisible elements in the narration. Therefore, we might be able, by means of these rhetorical methods and artistic representation of this dreadful tragedy, to do without many other methods that lay emphasis on unauthentic traditions or conditions that do not conform to the nature of the Islamic line of the memory.

As for the issue of resorting to unreliable narrations for the purpose of evoking people's emotions, it might be acceptable, as long as they do not contradict the vital Islamic lines and themes of the Hussaini cause. Therefore, the speaker would be allowed to read it as a narrated story, provided that its own concepts conform to the Islamic concepts and the Hussaini revolutionary

theme. Thus, it is impermissible to relate weak stories that picture Imam Al-Hussein (a.s.) as a frightened, scared, and weak person who calls on his enemies for help, or Sayyeda Zeinab (a.s.) as a frightened person who is disturbed and weak. Thus, when we take into consideration these aspects, it would constitute no problem to relate the narration, be it authentic or weak.

We believe that bringing up the tragic aspect of the Hussaini cause is not required for itself, turning it merely into a cause that brings about tears and enflames sadness, regardless of the resulting positive outcomes. Rather, it is one of the means for invigorating the feelings against those who have committed this tragedy, so as to take a negative historical stand from them, and reflecting that onto reality and renewing our refusal, through the Hussaini cause, to whosoever commits any wronging against Islam and Muslims, and against the right and the rightful, and against the downtrodden. In this way, the Hussaini cause, in its tragic sense, would be the basis for all the human miseries, especially those lying within the Islamic circle; thus, exerting every effort to thwart these miseries by standing in the face of whosoever is committing them in reality.

Therefore, the speaker who is narrating the tragedy ought to direct it towards the main goal and objective, demonstrating Al-Hussein (a.s.) as an Imam who experienced the tragedy in his heart, feelings and body, and through his relatives and companions, all for the

sake of the bigger cause; thus, enabling man to experience the emotional ambience mixed with the intellectual, revolutionary, and humanistic one.

Q: What is the ruling regarding getting paid for reciting the Hussaini tragedy, considering that it is a call for a message that is obligatory on every human being?

A: We believe that the speaker, as it is commonly known, undertakes this mission as a job from which he sustains himself, especially if he is totally dedicated to it, meaning that he would strive hard, throughout the year, to prepare himself through extensive reading and practicing his recitation. Therefore, he would be considered as any other person who would perform a cultural job for the society, as a result of the society's need for him to enliven its traditions and customs, considering that the Hussaini issue has somehow turned into a tradition enrooted in people's reality, especially in the Islamic Shiite milieu.

However, the speaker who undertakes this job must make sure not to subject it to the influences of the common people, meaning that he should not turn the entire message in the way that pleases them; thus, moving the Hussaini cause away from its natural Islamic course. On the contrary, he ought to open his job to the issues of the message, and apply it in the line of the Islamic reality that aims to enrich humanity, by means of this historic

cause that overlooks the movement of the present and the future, as well.

We deem the act where the speaker receives a return for his recitals legitimate and justified, and it does not constitute any problem. He could even be rewarded by Allah even if he gets paid, if the recitations he chooses conform to the atmosphere of the message, in the sense that they would enrich the experience of the people who listen to these recitals and act accordingly.

We would like to say to whosoever holds Hussaini ceremonies, or whosoever attends them, that they ought to consider how Al-Hussein (a.s.) used to think and remember all his words in all the values he had established in Ashura, and in all the stands he had taken, sacrifices he had offered, pains he had borne, and slogans he had raised, so as to realize that his tragedy was not that of the self; but rather, it was a tragedy of a cause he had embodied. Actually, we emphasize the necessity of expressing our affection by tears, emotions, and sentiments, so as to embark on the processions in a way that expresses our grief which joins the tragedy together with the cause.

Therefore, the efforts one exerts for the sake of holding a Hussaini funeral, as well as the money he pays and time he spends, should not go in vain, in the sense that people should not merely cry and not live the cause.

Let Ashura be commemorated and expressed as a tear

in the eye, a grief in the heart, and a letter in the mind... Let it be a revolution of freedom and a movement in the course of dignity, so that we would not surrender, be humiliated or flee like slaves... and commemorate Ashura the way Imam As-Sadiq (a.s.) has put it down: *"Revive our issue and mission; may Allah have mercy on whosoever revives our issue and mission"*. We would also commemorate Ashura on the basis that Al-Hussein (a.s.) was the successor of all messages; he inherited Adam, Noah, Abraham, Moses, Jesus, Muhammad and Ali, so that we would say to him: *"I testify that you upheld the prayers, paid the zakat, enjoined what is good, forbade what is evil and obeyed Allah until the last breath"*.

These are the lines on the basis of which we ought to commemorate Al-Hussein's memory. Our aim should be to encourage upholding prayers, paying the zakat, enjoining good, forbidding evil, and obeying Allah and knowing Him.

We ought to work for the sake of what all the messages had called for; the messages of the prophets that were embodied in Al-Hussein, so that they would be embodied in us once again. Therefore, one ought to encourage the speakers who consider their recitation as a tear that goes hand in hand with the depth of the message, and a message in the depth of the movement, and a mind lying within the emotions, so as to bring up a generation that experiences the message with Al-Hussein (a.s.) away from the traditional generation that does not

live the major objective of the cause of Al-Hussein (a.s.) in reality.

Q: Do you have any suggestions for commemorating these occasions in order to develop the way of commemorating these occasions and bringing them closer to the aspired goal?

A: I believe that these memories represent our entire history which still provides the soul, morals, lines, and movement with a certain value, for these memories actually represent an intellectual, spiritual, and political essence. However, this essence ought to have certain means for expressing it, and since we know that the expressional methods develop with time, a certain method might be useful at a certain phase and not useful at another, and it might be advanced at a certain phase and backward at another. Therefore, the expressional methods of our times that we might resort to should neither contradict the line of Islam, nor be far from its legal significations and practices, so as to be able to face this age by means of its own language and style. In this way, we would commemorate Ashura in a theatrical ambience which conforms to the lawful lines and in the prospect of social mobilization at all levels, which could provide every generation with the elements that would open up man to the values, Islam, the revolution, and the movement in man's reality and future.

Visits (Ziyarat)

Q: The ziyarat or "visits" (pilgrimage to sites associated with Muhammad (p.), his family members and descendants, his companions, or other venerated figures in Islam) have become a significant tradition that has prevailed in our countries. What do you have to say about the significances and values of these visits at the social and spiritual levels in our reality?

A: The value of the ziyarah (sing. of "ziyarat") lies in how much inspired we are by the sacred historical figure we are visiting, for when we stand before the grave, we should not do so just to stare at the shrine, or to indulge into the body; but rather we ought to live the intellect of this person, as well as his spirit, humanitarianism, devotion to Allah, advice for the sake of the nation, and his dedication to Allah, and plans for the movement of man in reality.

We would like these ziyarat not to be frozen in the traditional methods, by indulging into the grave or the person himself, but rather one ought to sink deep into the values, principles, and thoughts of that person, so as to live with him his entire history, movement, and act of worship to Allah and devotion to Him and to the nation. Therefore, each ziyarah ought to enrich the visitor by inspiring all the big traits from the one visited, so as to deepen his experience in the present and the future, just as it has deepened his experience in the past. Therefore,

our ziyarat ought to be an inspiration, rather than an accustomed tradition.

Moreover, we highlight the necessity of checking and documenting the texts narrated on these ziyarat, as well as validating their authenticity, and not indulging into the purely emotional atmosphere that drives man away from the intellectual essence. Actually, the value of the ziyarah in the issues it details lies in the fact that it plants its concepts in the soul of the visitor; thus, projecting them as Islamic concepts which could turn into a [state of] confusion at the intellectual and value levels, and ultimately into a sort of doctrinal and value conceptions.

Actually, it is necessary to document all what is related to the doctrine and religious rulings, including what is recommended (Mustahab) and discouraged (Makruh), and to the history that is linked to the Islamic concepts and everything that has to do with Islam, as thoughts or deeds, for that is what represents the image of Islam in the awareness of man and in the movement of life.

Q: What is your opinion on the accustomed methods of commemorating Ashura, such as elegies, lamentation and the like?

A: I believe that it is necessary to preserve the popular traditions that represent a mobilization means which maintains people's loyalty to the Members of the House (a.s.), intensifies the emotional interaction with Al-

Hussein (a.s.), and opens up to the general aspects of the Hussaini revolution in the line of Islam, for the people have their own way of expressing grief or any emotions that might have a profound effect which no other traditional cultural means may have. However, this should not prevent us from linking these popular traditions to how much they conform to the movement of Islam concerning its conception of things and its relation with history, and how it responds to some of the traditional concepts and so on, so as to move these popular means away from the ephemeral elements in the movement of man throughout time. Actually, man is capable, even by popular means, of receiving new ways of expression, new traditions, and new elements, so as to preserve the efficiency of these means amidst the development of people's innermost. Some issues might have had an influence at earlier phases, regardless of whether they were forbidden or allowed; however, time might surpass them, rendering them ineffective on the social reality at future stages, considering that they are a rigid legacy that no longer enjoys any influence on man's soul or intellect.

Q: Some of the accustomed methods of commemorating Ashura include acting or depicting some or all the events that took place on the tenth of Muharram, such as Al-Kassem's wedding...etc., which requires playing the roles of the Imams (a.s.), what is your opinion on that?

A: When examining these methods, we ought to verify

the historic authenticity of the issue in question, for trying to verify the historic value of what does not have a history or what does not enjoy a historical reliable value might lead to certain intellectual or conceptual complications, which might have a negative impact on the bright image of the Hussaini biography.

For example, the issue of Al-Kassem's wedding has no historic ground and I believe that those who handled it actually did so based on the suggestive emotional element that is embodied in certain social customs, which is based on the concept that a man should marry his cousin. Therefore, since Al-Kassem and Sukayna were at a young age that enables them to get married, it was natural that the narrators should turn to these two people as tragic elements that add to the flow of emotions. Therefore, the listener would feel that these two young people that were waiting to get married have lost their dream, as a result of the martyrdom which added to the actual tragedy an emotional tragedy.

However, this suggestive play that has no historic basis might have a few positive aspects represented by the ability to bring up emotions and set the popular ambiences for this tragic ambience that is full of emotional suggestions, keeping in mind that the issue moves in the line of suggestions and not in the line of historic reality. I do not find any problem in proceeding with acting these events, provided that they do not turn into historical facts in man's conscience.

We also do not find any problem in the traditions that present a character which resembles the character of Ali Al-Akbar, Al-Kassem, or the women captives (Sabaya)... etc., so as to transform the historic image from a mental state into an expressive one, whose impact on our emotions exceeds its impact on our abstract conceptions. We do not believe that playing the drums in these occasions is forbidden, considering that they are, more or less, like the drums hit during wars which flare enthusiasm without leading to any distraction that conforms to the state of debauch. Moreover, we have previously deemed permissible any music or tune that does not arouse instincts or is not enlisted under the category of "tunes of the people of debauch".

Miscellaneous Issues

Q: In congregational prayers, is it permissible to perform the prayer inaudibly (Ikhfat) at a time it is required to perform the prayer audibly (Jahr), if one is not assured about the accuracy of the Imam's recitation or of being just?

A: There are some evidence that deem this act permissible in cases of Taqiyyah (concealment of true belief in extremely critical circumstances). That is the case if we believe that Taqiyyah is not restricted to difference in sects, but also extends to performing prayers behind a certain man, while not sure if that man is just. However, this issue is argumentative and we have our reservations on it.

The conditions of the crescent sighting

Q: According to your opinion, sighting is not a necessary condition for determining the beginning and the end of the month; so, on what jurisprudential bases do you found your opinion?

A: Our first argument was that if astronomers assure us that the crescent has been born, then it is enough to be certain of its presence. We base this thought on the conception that the month is completely a cosmic and

natural phenomenon. Therefore, the ability to sight the crescent or not has nothing to do with this issue, but rather sighting represents a means of knowledge and has nothing to do with when the month starts and ends. The same applies to the fact that sighting the sun is not related to marking the beginning of the day, and not sighting it is not related to marking the beginning of the night, but rather the issue is subject to when it is present at the horizon and when it is away from it, even if we do not own the means that enable us to establish that, as in the case of the eclipse... etc.

However, we have eventually noticed that the beginning of the month is not only related to the birth of the crescent, but also to its existence at a location where it could be sighted; meaning, when it reaches a certain level where the amount of light could be seen with the naked eye, provided that there are no external factors that might hinder seeing it. Since Allah has rendered the appearances of the crescent **"signs to mark fixed periods of time in (the affairs of) men, and for Pilgrimage"**, (02:189), then it is natural that He has provided them with these timings in a way people are capable of detecting them, for referring this issue to common people points out that it has to do with the fact that the crescent has reached a level people are capable of detecting. However, if they could not detect it, then it would not be as a result of the lack of the elements of sighting it (light

elements), but rather due to external spatial factors that hinder its sighting.

Therefore, if the experts, on the one hand, declare that the crescent is born and it has reached a level where it emits enough light to be sighted provided that there are no external factors, even if the sighting was by means of magnifiers without which it could not be possible to sight the crescent, then they are actually proving that the crescent could be sighted had it not been for the external factors. Actually, magnifiers do not create the phenomenon, but rather they facilitate the ability to sight it by eliminating man's subjective barriers, such as short-sightedness, or certain external factors; when this takes place, we assert the birth of the crescent even if no one had sighted it. On the other hand, if the experts declare that the crescent is not born, we no more rely on the testimony of witnesses who claim that they have sighted it even if they were a hundred, considering that we assert that they are wrong about their claim, since the crescent is not in a position where it can be sighted. Moreover, if we prove undoubtedly that the crescent is born and has reached a position where it is possible to be sighted, then we rule for the beginning of the month, even if no one was able to actually sight it.

Q: If religious authorities had different rulings on the crescent sighting, where some might rule that it is seen

and others might rule that it is not... what is the obligation of the Mukallaf in this case?

A: Sometimes, the difference on the establishment of the beginning of the month could be over whether the crescent was seen or not, meaning that a jurist might rule that it was seen and another might rule the opposite. In this case, one could refer to any jurist and not necessarily the one he emulates.

At other times, the difference might be based on how to reach a certain juristic opinion. Some jurists' opinions might range between that the birth of the crescent is sufficient, or its birth along with the ability to sight it is sufficient, or sighting is not a necessary condition, or sighting could take place by the naked eye or by means of magnifiers. Others might have different opinions and deem that sighting is a process accomplished by the senses. In these different cases, each jurist might base the sighting of the crescent on certain juristic considerations. In this case, the emulator cannot but refer to the jurist he emulates only.

Rulings of homelands

Q: Does the birthplace have any effect on the rulings of the homeland (Watan), provided that man did not intentionally or mentally restrain himself from it yet he did not visit it, not even once, whether for a certain reason or not for any reason at all?

A: The birthplace is the homeland of man as a result of his dependence on his parents. And since during his childhood, he is dependent on his parents when it comes to the issue of homeland, he would automatically undertake that place to be his homeland being his parents' homeland. However, when he becomes independent, he ought to go through his intentions and circumstances. Does he intend in the future to live in his parent's homeland and consider it his current homeland, yet there are certain circumstances that might prevent him, at the present time, from residing in it or visiting it frequently as he visits his homeland? In this case, it is considered to be his homeland. However, if he thinks thoroughly and reaches the conclusion that nothing attaches him to it in his current and future life, except that it is his parents' homeland, meaning that if he ever thought about building a house, he would build it in a different place, or if he ever thought about settling down, he would choose to settle elsewhere, meaning that he would only visit it as a place in which his relatives and connections reside and where he had his memories, and not as his current or future locality... in all these cases, it would be considered as abandoned, and consequently, the rulings of the homeland could not be applied to it. In other words, considering a certain location as being one's homeland is related to one's intention and will to reside in the certain place that was his native homeland, even if at some time in the future; however, if he did not consider

residing in it or visiting it as frequent as man visits his homeland, it would not be considered as a homeland.

As for the issue of the wife's dependency on the husband, the contract of marriage only does not render his homeland hers; but rather, it becomes her homeland if she intends to reside in it and turns this intention into practice, because the intention only is not sufficient. Moreover, if he builds a house in his homeland or he pays frequent visits to his village with his wife after marriage, just as she frequently visits her village, in the sense that they visit it during summer or on vacations, then, in this case, his homeland is considered to be hers. However, if the husband did not intend to make his wife reside there, and they pay visits to his homeland together to see his family or relatives, or to spend a vacation provided that he does not wish to reside there neither currently, nor in the coming future, then his homeland is not considered to be hers as well, since for this to be true, the external reality ought to reflect the true sense of homeland to her.

Horns and loud noises

Q: Is it permissible to make loud noises by blowing the car's horn or using loud speakers, whether for a good reason or for no reason at all?

A: It is impermissible to carry out things that might offend people and disturb them, while they are relaxing or sleeping or in any situation that requires serenity,

whether by sounding the car's horn or using loudspeakers even at religious and social celebrations, or increasing the volume of the radio or the television or the recorder to an extent that harms and disturbs the neighbors. Even at the Fajr (dawn) Athan, it is required to use the loudspeakers for a certain limit restricted to accomplishing the high Islamic interest, for it is impermissible to inflict any harm on people or the general order, as the Prophet (p.) says: "No harm and harming". Moreover, the Holy Quran talked about lowering one's voice as a positive value of the Islamic code of speaking, and raising it in an annoying manner as a negative value, for in this way, it contradicts the Islamic morals, for Allah says: "And lower your voice; surely the most hateful of voices is braying of the asses". (31:19).

Perhaps this comparison suggests that those who raise their voices high have the sense of an ass (donkey), which naturally drives man away from him for he would not like to be compared with the ass (donkey) that represents stupidity in the general conception.

Garbage

Q: What is the ruling on he who throws garbage in the street, whether in bags or not, knowing that there are dumpsters placed for this reason?

A: Since garbage generally results in the spread of diseases and the gathering of flies and harmful insects,

and leads to stinky harmful smells, people should abstain from throwing them in the streets and put them instead in the dumpsters specifically placed for this reason, so as to maintain the general order that protects people from any harm, based on the concept that people are not entitled to benefit from the streets in a way that harms the passing people or the inhabitants of the neighborhood, for man would be making use of public or private properties that he is not entitled to. Moreover, if this issue is not subject to a direct religious ruling, it would be considered as part of the rights that Allah does not accept their violation. Thus, the religious scholar ought to carry them out and make sure that they are realized in the general reality.

Q: What is the ruling on whoever writes graffiti or sticks the posters of martyrs or hangs ads on walls of houses without getting the permission of their owners?

A: It is impermissible to make use of the money (including property) of Muslims without their consent for: *"A Muslim's property is not permitted (to be taken by others) without his consent"*. Moreover, this ruling includes all the citizens Muslims live with on the basis of respecting their properties, as an objective legal rule or as a result of an unwritten covenant between them and the Muslims that provides for the respect of their money (property), lives, and honors. Therefore, it is impermissible to make use of the wall of a certain house without getting the consent of the house owner, for the religious ruling does not differentiate between the inside of the

house and its outside. It is forbidden to write Islamic slogans or hang posters of martyrs or ads... etc. unless it is generally known that the house owners agree.

On another level, this kind of political and social tradition suggests cultural backwardness that tarnishes the front view of houses and the streets to an extent that might offend Islam and Muslims, as a result of the backward ways they resort to; which could be forbidden for both, the secondary and primary considerations.

Q: Is it permissible to use the phone at the institution in which I work for private purposes without asking for the permission of the administration? And does the ruling include things other than the phone?

A: It is impermissible to make use of any device of the institution without getting the consent of their owners, be it a telephone or else, and without any difference between the private and the public administrations, knowing that it impermissible to violate the bylaw in any of them.

Q: In relation to the previous question, is it permissible to use the car or any transportation means of the institution in which I work for personal needs?

A: It is impermissible to use the institution's transportation means except for carrying out errands for the institution, unless it is a generally accepted practice or you are specifically authorized to use them for personal needs.

Q: Is it allowed for me, being a taxi driver, to ask for more fees than what the taximeter shows, even though I would be violating the instructions of the traffic department?

A: If it is agreed upon between the driver and the passengers to pay in accordance with what the taximeter shows, then it is impermissible to charge additional fees; unless the driver tells them, beforehand, that he is going to charge more or a new general custom dictates so.

Q: What is meant by "communal property run by the state"? Do you endorse it?

A: This kind of communal property refers to the public lands that are neither under the individuals' authority nor their property, but rather they are defined as public properties. When dealing with communal properties run by the state, one ought to refer to the Islamic judge.

Q: Is it true that the money (properties) of atheists is allowed for Muslims?

A: The money of an atheist is not allowed for Muslims, unless the former is in a state of war with them, for Allah says: **"Allah does not forbid you respecting those who have not made war against you on account of (your) religion, and have not driven you forth from your homes, that you show them kindness and deal with them justly; surely Allah loves the doers of justice"**. (60:08). It is obvious that one of the traits of being just is not to

confiscate their money without any right to do so. Moreover, justice is an issue that when recommended or permissible becomes obligatory, and it is unjust to take the money of any man without any legal justification.

Q: Does it constitute a problem to violate traffic lights at night while the streets are empty? What is the ruling on violating traffic instructions in general?

A: It is absolutely impermissible to violate the traffic lights, even at a late hour of the night or if the streets are empty, for that does not exclude the possibility that a certain car at an opposite direction where the green light is on might pass; which might lead - even at a small scale - to damage in lives and property. Consequently, it is forbidden to violate traffic lights for it would lead to the aforementioned negative repercussions.

Q: Is violating the regulations and signs in civil services or taxis that prohibit smoking or throwing cigarette butts or the like considered religiously forbidden?

A: It is impermissible to violate the written regulations in civil services or taxis or planes or private and public stores that prohibit smoking or throwing cigarette butts, for their permissibility is decided exclusively by their owners, supervisors, or guardians. Consequently, if they do not approve of these actions, then it would be considered forbidden.

Q: Is it permissible to postpone returning a book

borrowed from the library, provided that the borrowing period was not defined?

A: It is permissible to postpone returning the book if the library did not define a certain period for doing so, and if there was no general regulation that organizes the borrowing of the book.

Q: In relation to the previous question, what if some pages of the book were torn or subjected to any kind of damage? What if the book was lost?

A: If the act of tearing or subjecting the book to damage or losing it takes place without violating the regulations or was not the result of handling it carelessly, meaning that the act of damaging, tearing, or losing it did not take place by placing it somewhere vulnerable to these actions, then the borrower does not have to pay a compensation fee. However, if he does violate the said regulations and handles the book carelessly, then he ought to pay a compensation fee. He also has to pay a compensation fee if it was set as a condition at the time of borrowing or if this was what the rules of borrowing state.

Implicit permission

Q: What is the exact meaning of "implicit permission"? When could it be applied?

A: Implicit permission is the state in which man implicitly acquires the permission of the money or

property owner, by taking into consideration the nature and situation of the relation between them, or by having earlier received his previous permission for something more critical than the thing he wishes to make use of, such as if the owner gives him the permission to get rid of something or eat something, then he would conclude, logically, that he has given him the permission to move that thing or the like.

Q: Is it permissible not to reply to the messages that we receive from our friends or connections, if it was not necessary to do so?

A: You are not obliged to reply to them, especially in the case you have mentioned; however, it is a recommended precaution to reply unless doing so results in a certain undesired harm.

Q: Is verbal pronunciation an obligatory act in a legal contract, or is the act of writing and signing that is common nowadays sufficient?

A: It is acceptable to conclude a contract by pronunciation, writing, or action, provided that any of these is accepted as a general custom, meaning that the contract is not concluded by means of choosing certain words or actions, for these words or actions have to indicate that the transaction has taken place by the general custom of the society. Thus, people would say so-and-so has married, or so-and-so has sold, or so-and-so has bought. However, verbal pronunciation is a

prerequisite only in the case of marriage, where it is a precautionary measure for both parties to do everything that ensures that the marriage has taken place in accordance with the opinions of all jurists.

Issues in Islamic Doctrine

Opinions on Infallibility

Q: Some people say you have an independent viewpoint, different from what is widely spread, with regard to the subject of infallibility. Could you elucidate this issue?

A: Actually, I do not have a negative opinion on the subject of infallibility. It is just that I adopt a method that is sounder and more accurate than that adopted by others in perceiving or inferring the existence of infallibility. When we examine the evidence used to prove infallibility in the past, we find that a fallible person is the one who loses the trust of people in a way that they would stop listening to him. On this basis, the role of prophets or Imams would have been certainly canceled, had they not enjoyed infallibility. So, infallibility is there to embrace the reality of people, because the latter follow whomever they believe in and forsake whomever they distrust. Consequently, if Allah, the Most Exalted, had sent fallible prophets or if the Prophet (p.), ordered by Allah, the Most Exalted, had appointed fallible Imams, people, then, would not have had confidence in them, and accordingly the legacy and

influence of the Prophet (p.) and Imams (a.s.) would have been lost.

I think that this view can be open to criticism, for the judgment of reason would be helpful in confirming infallibility if we look at the issue from the angle of proclaiming Allah's message. Indeed, it is meaningless that Allah, the Most Exalted, would send a prophet or appoint an Imam who cannot be relied upon to preserve the path of honesty, so as to stay aware of the message of Allah, the Most Exalted, and His Messenger (p.), because once people lose their confidence in the words of the leader under the presumption that he might be forgetting, missing, omitting something, twisting the speech he is transmitting...etc., people would no more believe that his words are Allah's revelation. Thus, the mission of Islam would have lost its firmness and strength in people's minds and souls, and subsequently it would have lost its meaning in the process of belief and guidance.

Regarding infallibility from another perspective, such as assuming that the prophet or Imam commits unintentional mistakes in ordinary and regular matters of life such as showing distractedness during prayers; the judgment of reason does not say that it is impossible to err, forget or be distracted in this respect. As a matter of fact, we see that some Shiite jurists, such as Al-Sheikh As-Sadouk, or his father or his master (May Allah be

pleased with them), says that the first sign of exaggeration is to deny the Imams' occasional distractedness or inattentiveness. Some of our scholars, such as Sayyed Al-Khou'i (May Allah shower him with His mercy), say that the Imams are not exempted from committing careless mistakes or omissions, provided that this does not occur during the act of proclaiming the words of Allah, for this would be impossible.

In the light of the aforementioned, the sound mind does not say that infallibility must include all other affairs, because the prophet or the Imam does not lose the trust of people, just because he had committed some mistakes in a certain domain that has nothing to do with the vital and essential cases that might harm the path of honesty, faith, Islam and so on. Therefore, when it comes to political, religious and social issues, people tend to be intensely drawn to some people, knowing that the latter makes mistakes in their ordinary lives, and if they erred in this particular field in which they are following them, their wrongdoing would be considered unintentional, because once they discover it, they would take serious actions so as to correct it. Actually, it is obvious that people do not lose their confidence in their leaders for this particular reason.

Therefore, we said that in confirming infallibility, this method of deduction cannot be our basis, especially if we want to speak about infallibility in a comprehensive

manner, in the sense that it includes the act of conveying Allah's message or any other matter.

Therefore, we attempted, and we do not know, from an intellectual perspective, how valid this attempt would prove to be, to study the nature of prophethood. The mission of prophethood is not the same as the mission of a postman whose job is restricted to delivering mail or messages to people. Indeed, in His saying, we read: **"It is He Who has sent amongst the Unlettered an apostle from among themselves, to rehearse to them His Signs, to sanctify them, and to instruct them in Scripture and Wisdom, - although they had been, before, in manifest error"**, (62: 02), **"O Prophet! Truly We have sent thee as a Witness, a Bearer of Glad Tidings, and Warner. And as one who invites to Allah's (grace) by His leave, and as a lamp spreading light"**. (33:45-46). So, in addition to the fact that he is a Bearer of Glad Tidings and Warner, the Prophet (p.) represents for people a witness, as well as a torch that spreads light, meaning that he is a source of enlightenment and inspiration exhorting people to lead the path of righteousness. Thus, the role of the Prophet (p.) was to set the scale of justice among people and to establish the right in life. Actually, it is not possible that a person who is destined to change the world based on the principles of righteousness to carry any aspects of falsehood in his mind, heart, or movement. Verily, the human being who came to be the enlightening torch can never embrace darkness in his thoughts, feelings and

behavior. Hence, the question of prophethood is all about illuminating people's minds, souls and lives, especially that Allah had made the Book, held by the Prophet (p.), a source of enlightenment and considered the Prophet (p.) to be an embodiment of this Book, for verily, he is a speaking Quran.

We believe that our understanding of the role of prophethood, which is the role of the mission intended to change the world on the basis of righteousness, necessitates that the Prophet be, in every way, a real embodiment of righteousness where no room for darkness is left, and that the Imamate be an extension of prophethood yet without being prophet: *"Ali; you are to me like Haroun was to Moses; except that no Prophet is to come after me"*. Therefore, since the role of an Imam is to guard the Shariah and to be the person who resumes the work of prophethood in people's lives, aiming at establishing righteousness in peoples' minds, thoughts, words and deeds, as well as in the movement of real life as a whole; in the light of this, an Imam has to be infallible exactly as the Prophet (p.) is, in this respect. Another point to be raised is with regard to the question of the comprehensiveness of infallibility, whether in the aspect of transmitting Allah's word or in other aspects. That is, it is not possible for a personality to lead a life of dualism in the reality of the human being. The human being who does not forget things, such as conveying Allah's message, will not forget things in other issues. And the

human being who arms himself with righteousness in legislating and proclaiming must be righteous in all the other aspects of life, because he will not be able to do so unless righteousness was a fundamental character in his personality.

Moreover, when we speak about infallibility in this extraordinary way, we find ourselves wondering whether a human being can possess such infallibility or not, and we reach the conclusion that he cannot. He cannot, at least not by his own efforts and through his own experiences, prevent himself from making mistakes or from deviating. Indeed, the soul of this prophet or Imam must be inundated with strength from Allah, the Most Exalted, to keep him safe from deviating and committing wrongdoings. That is what others might take negatively considering that it might indicate fatalism. But, we do not believe so, and we are going to explain the reason as follows in a scientific and objective manner:

First: According to those people [those who believe in the negative aspects of inevitable infallibility], the question of inevitability might cancel the reward, because when you embark upon carrying out good deeds driven by your infallibility; you would not have exerted any effort. Consequently, on which basis would you be granted reward? For this reason, we find that those people claim that the inevitability of infallibility negates reward.

Our answer to this claim is that the scholars of Islamic theology (Kalam) see that the believer who implements good deeds does not deserve reward for them, because the action he carried out belongs to Allah, the Most Exalted, and his mind that helped him think properly and find the right path is created by Allah, the Most Exalted, and his organs that he used to worship Allah and to proceed with his doing are also the creation of Allah. Accordingly, none of the human being's actions is individualistic or independent of Allah, for which he can claim or merit reward. And since actions, thoughts and movements are from Allah and carried out for His sake, believers are said to earn reward out of Allah's graciousness where He accords His worshippers' reward for their good deeds out of His kindness and generosity.

One might wonder about the reason that might prevent Allah from directly bestowing the reward upon believers, without making it dependent on their practical effort. The reason for associating reward to the actions has to do with stressing the significance of the actions themselves and the best interests of the Divine Message.

Second: Some people might have other considerations with regard to this point of view: if someone is inevitably endowed with infallibility, in what way then is he better than other people? In this case, ordinary people might be better than those who are infallible, and an infallible

person takes no precedence over other people, because Allah had chosen him over others to be infallible; thus, the credit is not to be given to him.

We say that Allah is the One Who furnishes people with grace, preference and value. Indeed, He is the One Who chooses His messengers from people and angels. The value of an infallible person lies in the fact that Allah had preferred him over others and selected him to be infallible. Verily, there is wisdom in this choice and this preference; and as to what this wisdom is about and why He had made this choice and not the other, we say: **"He cannot be questioned for His acts, but they will be questioned (for theirs)"**. (21:23). So, there must be wisdom in this selection, even if this wisdom was that Allah had created the infallible person in an exceptional way, so as to be a light that illuminates people's lives, exactly as He had created the sun to be the shining source that provides people with light. As a matter of fact, the sun is the star at the center of our solar system around which the Earth and the other eight planets orbit, which means that the sun is more valuable than the moon, as well as lots of other cosmic phenomena; but it is to be remembered that the sun acquires its significance from the fact that Allah created it. Why, then, do we not credit the human being for the fact that Allah had chosen him to be infallible? Actually, it is not always necessary to consider that the issue of value and merit emanates from our innermost, because values and merits originate from

Allah Who places secrets in the souls and mysteriously bequeaths them with values. By the same token, beauty is one of Allah's graces, and a handsome good-looking person would know nothing about how or why he is beautiful. All the more so, Allah had created human beings in a better shape than animals; is that not a preference of human beings over animals? In conclusion, enjoying preference in this respect is not decided by the choice and will of human beings; truly, it is the choice and will of Allah, the Most Exalted.

Third: Another opinion says that considering infallibility as Allah's bestowment upon some selected persons renders the emulation of infallible people worthless and meaningless, because when people see that this or that person was born infallible, they would despair and lose any hope of any possibility to reach the infallible person's level of nobleness; and consequently, they become discouraged to tread in his steps.

In reality, when trying to model after someone, it is enough to carry out the good deeds that one can manage to achieve. It is never an obligation to reach the same level of the exemplar, because people's models could, sometimes, be scientists or scholars who enjoy a very high level of knowledge and virtue. If imitating model figures necessitates attaining the same level; people would have never treaded in the steps of each other. When a prophet performs a miracle that goes beyond our powers, we say that we cannot do the same, because the

prophet is endowed with certain powers and abilities we are not endowed with, and that is why he is able to perform miracles while we are not.

Nevertheless, an important point has to be taken into account in this respect; which is that the infallible person chooses the obedience of Allah by his own free will. However, when he finds himself dragged by the surrounding circumstances into disobedience, Allah would make sure to hinder his way towards disobedience. So, the inevitability of infallibility does not mean that a person cannot make his own choice; it is just when the infallible faces his human weakness that Allah would interfere; as in His saying: **"And (with passion) did she desire him, and he would have desired her, but that he saw the evidence of his Lord"**, (12: 24), or as Joseph (a.s.) says in the Quran: **"He said: "O my Lord! The prison is more to my liking than that to which they invite me: Unless Thou turn away their snare from me, I should feel inclined towards them and join the ranks of the ignorant"**. (12: 33). Indeed, Allah might turn away from him all evil and shameful deeds, making him infallible from the inside, as well as from the outside. Hence, the inevitable factor of infallibility does not divest the infallible person of his ability to choose because this inevitability appears only in vulnerable moments. The infallible person obeys Allah out of his faith in Him, his knowledge of Him and out of his own free will. However, when the human weakness points of the infallible person surface, Allah protects him

against them, either through the preventive way which arms him with what strengthens his infallibility or by putting obstacles in his way so as to keep him from erring. In this way, the infallible remains voluntarily infallible by the help and guardianship of Allah.

Actually, this opinion might be in harmony with the widely known belief amongst Shiites, which says that a prophet is born as a prophet and he enjoys the trait of infallibility before and after he is sent to spread his call, and that an Imam enjoys the trait of infallibility before and after he handles the issue of the Imamate. However, one might inquire: If infallibility sets from an individual and optional decision; then how can a person choose to be infallible since the beginning of his childhood? Some people say that Allah endows the infallible person with a certain degree of knowledge that allows him to abstain from committing any wrongdoing. For example, the person who is able to identify the evilness of some deeds prevents himself from carrying them out, such as turning away from pursuing sexual activities with those who are unlawful to him, i.e. the mother, sister and aunt... etc. Actually, as that person perceives the immorality of this act, he prohibits himself from undertaking it. Similarly, we say that Allah had imparted knowledge to the infallible person; the kind of knowledge that enlightens his mind, heart, soul and feelings, preserving him from going astray or disobeying Allah. But since infallibility is inevitable, there would be no difference if it was given

directly or by providing the chosen person with something, denied to others, that prevents him from doing wrong. This also means that infallibility is inevitable in the sense that Allah has given the person what will make him abstain from any form of transgression, whether he chooses so or not. Once again, we reach the same result. We are not dealing with an optional matter, considering that when Allah had chosen this particular person to endow him with the knowledge that he had prevented others from having, then he had actually made him infallible and unable to sin or misbehave in this respect.

Nevertheless, at a time we do not wish to confirm this opinion, we believe that the doctrine of the Shiites that adopts the notion of the inevitability of the infallibility of the Prophet and the Imams is problematic, since the inevitability of being infallible does not conform to the human trait of personal choice. The differentiation between subjective possibility and the possibility of actually taking place does not solve the problem, for if something cannot happen, then the subjective possibility would not make any difference. It is a simple state of abstraction having nothing to do with the world of choice; a realistic state in man's life.

Therefore, we consider that deciding on the inevitable or voluntary aspect of infallibility is not one of the important issues in the doctrine of Shiites, regardless of whether we approve or disapprove of it, because the Shiites' doctrine of infallibility imposes on us to believe

in the infallibility of the Prophet and the infallibility of the Imams (a.s.) and nothing more.

As for how they became infallible, was it due to the Divine kindness or graciousness that some people speak about, or due to the influence of knowledge imparted by Allah to the infallible; all of this is irrelevant.

Based on these facts, and by understanding the role of prophethood and the role of the Imamate, we believe that the Prophet or the Imam must be infallible in all the issues of life, whether in proclaiming Allah's message, or in any other cases related to the movement of thought in the reality of life.

Q: What is your opinion with regard to the infallibility of Az-Zahraa (a.s.) knowing that she did not enjoy the status of Prophethood or Imamate?

A: The infallibility of Az-Zahraa (a.s.) could be viewed from three perspectives:

First, if we study the life of Az-Zahraa from the moment she was born till her death, and her life with her father, husband, children and people, we find that she had never committed any wrongdoing whether in thoughts, words or deeds. Indeed, her life was an embodiment of infallibility.

Second, Az-Zahraa (a.s.) is one of the Members of the Prophet's Household that Allah had made free from abomination, and rendered them pure and sinless, since she is included in the Ayah of purification: **"And Allah**

only wishes to remove all abomination from you, ye members of the Family, and to make you pure and spotless". (33: 33). This Ayah of purification was the proof on the infallibility of Ali, Fatima, Al-Hassan and Al-Hussein (a.s.); the Members of the Family of the Prophet (p.).

Third, according to the well-known tradition, Fatima Az-Zahraa (a.s.) is the Lady of the Women of the Worlds, and a woman of such high-ranked position cannot but be one who establishes and lives right-eousness in her mind, heart and behavior.

Q: Can we consider the issue of infallibility as one of the principles that a true Muslim must believe in? And what are the limits of the doctrinal issues that a true Muslim is bound to believe in?

A: The doctrines that a true Muslim is bound to express his belief in, and without which he is regarded as an unbeliever, in the conventional sense of unbelief mentioned in the Glorious Quran, are: The belief in the one and only God, the belief in the Prophet, the belief in Allah's messengers, the belief in Allah's sacred Books and the belief in the Last Day.

By expressing one's belief in all these matters, a person is considered to be a Muslim; however, by denying one or all of them, he would certainly be an unbeliever.

As for other issues such as the Imamate, the Caliphate, the infallibility of the Prophet or the Imam,

and so on, these issues are not related to the question of being a true Muslim or an unbeliever, because a person who believes in infallibility as in only proclaiming the message of Allah could indeed be a Muslim. Thus, we see that our scholars who had spoken of the distraction and forgetfulness of the Prophet (p.) during his prayers or in some other matters are, undoubtedly, reverential and knowledgeable Muslims in the full sense of the word. Therefore, we do not regard non-Shiite Muslims as unbelievers; nay, they are Muslims who have the same rights and obligations of Muslims.

Actually, when Muslims disagree, they tend to blame each other. While the Shiites think that the details of their doctrine with regard to the Imamate or Prophethood set out from conclusive evidence where no room for doubts is left (in our opinion), the Sunnis claim that they are the true believers. Dealing with a theoretical issue that has nothing to do with the rule of belief or disbelief is totally different from dealing with a matter of right or wrong. A human being, who has a particular viewpoint in this respect, might be decisively convinced with his opinion; however, such decisiveness does not necessarily mean that it is decisive according to the others even if he thinks that these others have neglected or denied the aspect of decisiveness, for Allah says: **"And they rejected those Signs in iniquity and arrogance, though their souls were convinced thereof: so see what was the end of those who acted corruptly!"** (27:14).

Q: Is the act of denying an important matter such as the Imamate or infallibility not considered a denial of the requirements of belief?

A: There is a difference between denying what a requirement for belief is and what is not: the first refers to rebutting what the Prophet (p.) said regarding the necessities of Islam which all Muslims agree on, such as prayers and fasting. The second are questions like whether the fulfillment of the act of prostrating depends on the kind of mat on which the person prays; is it made of what is edible or worn? Does he fold his arms or keep them down? Does he wash or just wipe his feet during ablution? Is the Prophet (p.) infallible in matters other than those of proclaiming Allah's message?...etc., According to their nature, these matters are not to be considered fundamentals in faith, even if some people regard them as more than essential. Therefore, we do not consider Al-Asha'ira, who believe in evitability and do not believe in rational good and evil, as disbelievers; nay, we regard them as Muslims. It is only that they are wrong or deviating Muslims deceived by the nature of what one sees in the conduct of this person or the other.

There is a difference between denying trivial matters having little significance and denying the fundamentals of belief which are resolutely, naturally, spontaneously and unquestionably required. Examples of those fundamentals are prayers (salat), almsgiving (zakat), fasting (sawm), and pilgrimage (hajj); those are the ritual duties

that mainstream Muslims view as central to their faith. As for the details of prayer, fasting, pilgrimage and almsgiving, they are the subjects of concern and debate amongst Muslims, since they need to discuss and ponder the issue thoroughly, so that each group of them would reach the right thing to do. Verily, when, knowing its nature and the kind of disagreement it creates amongst people, a certain matter requires discussions and deliberations so as to decide on its details; it is regarded as theoretical. The denial of a theoretical matter does not necessitate rejecting the belief in the Prophet (p.) which leads to unbelief. In fact, denying fundamentals would only lead to unbelief considering the relation between the latter and the fact of renouncing the Prophet (p.). Accordingly, in order to decide if a certain person is not a believer, based on the fact that he had denied one of Islam's fundamental necessities, one must check if the latter was aware of the relation between unbelief and the idea he is denying.

Q: In your opinion, what is the role that Ahl El-Beit are delegated with concerning guidance, leadership, as well as intellectual and political Imamate?

A: The role of Ahl El-Beit (a.s.) lies in consolidating Islamic rules and principles, protecting Islamic beliefs against deviation, and leading the Islamic reality towards achieving its great objectives. That is what Imam Ali (a.s.), the Commander of the Faithful, had clearly expressed: *"O Allah! You know that all our deeds were*

carried out with no goal of winning powers or sought after something of the world's remaining vanities; verily, we have only aimed at restoring the features of your Faith, resetting righteousness in your world so that the oppressed would feel safe and secure, and reestablishing those of your limits (Hudud) that had been neglected".

Moreover, the Imam of righteousness and guidance had also said: *"By Him who split the grain and created living things, had it not been for the presence of the pressing crowd, were it not for the establishment of (God's) testimony upon me through the existence of supporters, and had it not been for the pledge of God with the learned, to the effect that they should not connive with the gluttony of the oppressor and the hunger of the oppressed, I would have cast the reins of [the camel of] the caliphate on its own shoulders and would have made the last one drink from the same cup that I forced the first one to drink (i.e. I would have taken the same stance towards the caliphate as at the time of the first caliph). Then you would have seen that in my view the world of yours is not worth more than a goat's sneeze".*

In another saying, Imam Ali (a.s.) also said: *"O people! You and I are aiming at two different things. I want you for Allah, while you want me for yourselves"*, and: *"By Allah, I will keep the peace as long as the affairs of Muslims are secured, and the only harm befalls on me".*

Those are the Imams and leaders of Islam who refuse that people support and follow them just because they admire and appreciate them personally. Imam Zein Al-Abideen (a.s.) once said: *"Appreciate us through your appreciation of Islam"*. Abu Ja'afar (a.s.) also said when addressing Jaber: *"O Jaber! Do you think it is enough for those who embrace our Shiism to follow and admire us, just because we are the People of the Household? By Allah, our Shiites are no one but those who fear and obey Allah; indeed, they are known with nothing but with humbleness, honesty, prayers and fasting. They are those who remember and glorify Allah often, observe filial piety; take care of poor and indigent neighbors; watch over the sufferers of loss and orphans; tell the truth; recite the Glorious Quran; abstain from talking about people but in good, and are consistently trustworthy and loyal to the affairs of their community"*.

This is the true pattern of the People of the Household (a.s). Truthfully, the People of the Household are pleased with what pleases Allah and are displeased with what displeases Allah. The school of Shiism is nothing different from that of Islam; it is indeed the same as Islam in the sense that the Imams (a.s.) adhere to the Messenger (p.) in their words, deeds and attitudes. They move in conformity with the fundamental bases of Islam, showing careful observance not to omit or add anything, because they are entrusted with Islam, in all its general and private aspects. The Imams are Allah's signs and

evidence after the Messenger (p.); they are His successors in His nation and they are entrusted with His land. Allah has chosen those people because of the knowledge they possess and their openness to Allah and His Messenger (p.), which are the traits of Imam Ali (a.s.) as the Messenger (p.) has said in the battle of Khaibar: *"Verily, tomorrow, I will entrust the banner to a person who loves Allah and His Messenger and is loved by Allah and His Messenger (p.)"*. Indeed, this is the quality of each and every Imam of the Members of the House.

Q: You say that according to our Imamate doctrine, relating the Shiites to the Ja'afari sect is inaccurate, how do you explain this point?

A: We are all aware that Islam is divided into several sects or schools of thought, such as the Shafi'is, Hanbalis, Malikis, and Hanafis, not to mention that some people claim that the Shiite branch of Islam is related or belongs to the Ja'afari sect. According to our doctrine, the Imams of the People of the Household (a.s.) were not ordinary jurisprudents. For example, Abu Hanifa, Ibn Hanbal or others, proved to be right at times and wrong at other times, according to those who follow and emulate them. In the same manner, we follow or emulate Sayyed Al-Khou'i and Sayyed Al-Khumeini, based on the conception that they are believed to be jurisprudents. However, when we follow the Imams of Ahl El-Beit (a.s.), we do so because we believe in their infallibility and their soundness; thus, they cannot be the

advocators of a certain school of thought, such as that of Abi Hanifa, which is called a point of view. Truly, when we follow Imam As-Sadiq (a.s.), we are not actually following a particular point of view that can be right or wrong; nay, it is always right for he (a.s.) says: *"My words are the words of my father, and the words of my father are the words of my grandfather, and the words of my grandfather are the words of Al-Hussein, and the words of Al-Hussein are the words of Al-Hassan, and the words of Al-Hassan are the words of the Commander of the Faithful, and the words of the Commander of the Faithful are the words of the Messenger, and the words of the Messenger are the words of Allah , the Great and Almighty"*. So, when we listen to the opinion of Imam As-Sadiq (a.s.) with regard to certain issues, it is more like listening to the opinion of the Messenger (p.) who never goes wrong.

Therefore, Shiism is not a jurisprudential sect that, just as any other sect, oscillates between being right and being wrong; nay, it is the sect of Islam that: **"No falsehood can approach it from before or behind it: It is sent down by One Full of Wisdom, Worthy of all Praise"**. (41:42). It is the sect of Islam that extracts its authenticity from the original, fundamental, conclusive sources of the Imams (a.s.).

In fact, this is the meaning of the saying that the "Imams are narrators"; the saying which might have been repeated in my conversations among the elite and

the common people and that was explained by the erudite Sayyed Muhammad Taqi Al-Hakim in his book *Al-Usul Al-Amma Lil-Fiqh Al-Muqaran*' (The General Principles of Comparative Jurisprudence). When we say that the Imams are narrators, we do not mean that they are regular relaters who give an account of something; but rather, we mean that they relate the words of the Messenger in all their discourses, whether they are narrating a story about the Messenger (p.), or carrying out a general conversation. Actually, in their speeches, the Imams deliver no personal arguments dictated by their personal viewpoints that might disagree with the words of Muhammad (p.); rather their information are derived from the original, clear and pure source of Islam that is always right and never derived from other interpretive sources that might be mistaken.

Q: How did Muhammad (p.) appoint Ali (a.s.) as his successor; was it just a nomination as some scholars claim or did he appoint Ali for succession as an adherence to the order of Allah?

A: Regarding this particular point of concern, we believe that the Prophet (p.) had appointed Ali (a.s.) (on the day of Al-Ghadir) by an order of Allah, taking into consideration the following verse that had been revealed during that day: **"O Messenger! Proclaim the (message) which hath been sent to thee from thy Lord. If thou didst not, thou wouldst not have fulfilled and proclaimed His mission. And Allah will defend thee from men (who mean**

mischief)". (05:67). This verse clearly signifies that if, you, meaning the Prophet (p.), do not proclaim what Allah, the most Exalted, had revealed to you concerning Ali (a.s.); it would be as if you have achieved nothing. The tone of this verse does not imply a threat to the Messenger (p.); but rather, it embraces lots of strength since the question of the leadership of the Commander of the Faithful (a.s.), considering that he is the best, the most knowledgeable and the most qualified, constitutes the greatest and safest guarantee that would assure that the Islamic nation will continue to abide by the path set by the Messenger (p.), knowing that Ali (a.s.) descends from the same origin of Muhammad (p.), that he is like his brother, and that he is to him like Haroun was to Moses.

Furthermore, the Prophet (p.) once said to Muslims: *"Am I not closer to you than your own selves* - meaning that I have more power over believers than they have over themselves?" The believers answered him: "O Yes! Indeed". The Prophet then said: "May Allah bear witness", and then he added: *"Verily, whoever I am his leader, then Ali is also his leader"*. Actually, leadership represents one of the ruler's elements of authority. Allah has given His Messenger (p.) this privilege; that is, to have more authority on the believers than they have over themselves. Afterwards, Muhammad (p.) endowed the same privilege on Ali (a.s.). Well, do you consider this as a nomination or an appointment?! Doubtlessly, it is an

appointment. The following verse was next revealed: "This day I have perfected your religion for you, completed My favor upon you, and have chosen for you Islam as your religion". (05:03). Muhammad (p.) is said to have pitched a tent for Ali and asked Muslims to greet him as being the Commander of the Faithful. The Second Caliph is reported to have said: "Hooray! Congratulations to you, Ali, you have become my leader and the leader of all believers, men and women". So, it was a case of appointment where the Messenger (p.) implemented the order of Allah.

As a matter of fact, as we study all the speeches of the Prophet (p.) concerning the right of Ali (a.s.) to the Imamate, we find that they were all focused on deepening the Islamic mentality, in general, by considering Imam Ali (a.s.) as the person who was supposed to assume the position of the caliphate in view of his competence, qualifications and abilities. The appointment of Allah and the Prophet (p.) to Ali (a.s.) was actually based on these facts. It goes without saying that the role of the Prophet (p.) will not stop at the limit of nominating a certain person in such a vital and sensitive position that will decide on the future and movement of Islam; indeed, his role was to settle the question of the Imamate, and plan the future of the Muslims with regard to leadership.

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